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Bengal Legislative Assembly

Eighth Session, 1940.

The 22nd, 23rd, 24th, 25th, 26th, 29th, 30th and 31st July, 1940.

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Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
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Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Eighth Session.)

Volume LVII—No. 2.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 22nd July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 207 members.

STARRED QUESTIONS

(to which oral answers were given)

Staff of the Collectorate of Midnapore district and of its subdivisions.

*42. **Mr. NIKUNJA BEHARI MAITY:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of clerical posts now under the Midnapore Collectorate in each subdivision of the Midnapore district, department by department;

(*b*) the number of their incumbents belonging to each district of Bengal;

(*c*) the number of posts falling vacant, year by year, under the same Collectorate since the year 1930-31; and

(*d*) the number of posts filled up by the inhabitants of the Midnapore district, year by year, since 1930-31?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): *Vide* Statements I to III laid on the table.

Statement I referred to in the reply to sub-clause (i) of starred question No. 42, regarding number of clerical posts in the District and Sub-divisional Offices under the Midnapore Collectorate.

Midnapore Sadar—District Office	...	133
Details—		
Office Superintendent	... ...	1
Confidential Assistant	... ...	1
English Office, including forms	...	21
Land Registration	... ...	3
Certificate	... ...	4
Land Acquisition	... ...	1
Tauzi	... ...	14
Record Room and Comparing	... ...	14
Nezarat	... ...	6
Landlord Fee	... ...	2
Khas Mahal	... ...	3
Wards	... ...	1
Embankment	... ...	3
Fauzdari	... ...	16
Treasury	... ...	4
Accounts	... ...	16
Excise	... ...	7
Revenue Munshikhana	... ...	4
Leave Reserve	... ...	12
		133

Jhargram subdivision		8
Details—		
Head Clerk and Sub-Treasurer	1	
Correspondence, Revenue Cases, Certificate and Khas Mahal	1	
Election and Rural Development Department and Accountant	1	
Nazir	1	
Bench Clerks	2	
Typist Despatcher	1	
Leave Reserve	1	
	8	

Contai subdivision ...		54
Details—		
Head Clerk	1	
Sub-Treasurer	1	
Correspondence, Revenue cases and Land Acquisition	2	
Election and Rural Development ...	1	
Accountants	3	
Nazir	1	
Assistant Nazirs	3	
Chowkidary Clerk	1	
Certificate	4	
Bench Clerks and General Assistants ...	3	
Records and Comparing	1	
Typist and Despatcher	1	
Khas Mahal (including 3 sub-offices) ...	23	
Leave Reserve	4	
Mutation Clerks of Khas Mahal Department	5	
	54	

Ghatal subdivision ...		9
Details—		
Head Clerk and Sub-Treasurer ...	1	
Correspondence, Revenue cases, Certificate, Land Acquisition and Khas Mahal ...	1	
Election, Rural Development Chowkidary ...	1	
Accountant	1	
Nazir	1	
Bench Clerks	2	
Typist Despatcher	1	
Leave Reserve	1	
	9	

Tamluk subdivision ...		21
Details—		
Head Clerk	1	
Sub-Treasurer	1	
Correspondence	2	
Election and Rural Development ...	1	
Accountants	2½	
Nazir	1	
Assistant Nazirs	2	
Chowkidary Clerk	½	
Certificate	2	
Revenues cases, Land Acquisition, and Khas Mahal	1	
Bench Clerks and General Assistants ...	3	
Records and Comparing	1	
Typist and Despatcher	1	
Leave Reserve	2	
	21	

Statement II referred to in the reply to sub-clause (ii) of starred question No. 42, regarding number of incumbents in District and Subdivisional offices of Midnapore, belonging to each district of Bengal.

Sadar District Office—Midnapore	...		133
Midnapore	...	109	
Dacca	...	5	
Burdwan	...	1	
Alipore (24-Parganas)	...	5	
Bankura	...	8	
Howrah	...	1	
Murshidabad	...	1	
Nadia	...	1	
Hooghly	...	2	
		133	
Contai subdivision	...		54
Midnapore	...	42	
Balasore	...	1	
Howrah	...	1	
Jessore	...	1	
Pabna	...	1	
Barisal	...	1	
Hooghly	...	4	
Bankura	...	1	
Faridpur	...	1	
Birbhum	...	1	
		54	
Ghatal subdivision	...		9
Midnapore	...	8	
Dacca	...	1	
		9	

Jhargram subdivision	...		8
Midnapore	...	3	
Burdwan	...	1	
Howrah	...	1	
Birbhum	...	1	
Rajshahi	...	1	
Pabna	...	1	
		8	
Tamluk subdivision	...		21
Midnapore	...	21	

Statement III referred to in the reply to sub-clauses (iii) and (iv) of starred question No. 42, regarding number of posts falling vacant in Midnapore Collectorate and filled up by incumbents of Midnapore district, year by year, since 1930-31.

Year.	Number of posts falling vacant.	Number of posts filled up by incumbents of the Midnapore district.
1930-31	... 5	4
1931-32	... 2	2
1932-33	... 9	7
1933-34	... 5	5
1934-35	... 17	13
1935-36	... 14	9
1936-37	... 3	2
1937-38	... 7	5
1938-39	... 24	14
1939-40	... 10	6
1940-41 (up to date)		

Flood regulator at Lakra on the Damodar, Burdwan.

*43. **Mr. ADWAITA KUMAR MAJI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the sluice gate at Lakra breaches on the right side of the Damodar river in Burdwan is low;

(*ii*) that water even in low flood flows over the gate and enters the field;

(*iii*) that the embankments on both sides of the gate are not fortified and high; and

(*iv*) that some part of this bund has been broken?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) replacing the sluice gate by an embankment; and

(*ii*) excavating the stagnant channel in the water-logged area for carrying out water from the breaches at Kumir Kola and Bibir Bagan?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) The regulator at Lakra is intended to regulate floods which are not higher than the level of the natural bank.

(*ii*) According to my information, the answer is in the negative.

(*iii*) They are as high as are considered necessary to meet the needs of the locality.

(*iv*) The dam on the river side in front of the Lakra regulator has been cut, as the construction of the regulator has been completed.

(*b*) Does not arise.

Gumti embankment in Tippera district.

*44. **Mr. MAQBUL HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) whether any survey has been undertaken this year to avoid breach of Gumti embankment in the district of Tippera; and

(*ii*) whether any schemes have been taken up for controlling the flood water of the said river?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the scheme?

(c) Will the Hon'ble Minister be pleased to state whether any funds will be provided for any schemes in respect of the said river in the coming budget?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a) and (b) The honourable member may recall that it was agreed at a conference at which he was present in December last that the ideal solution of the problem was to abandon the embankment altogether with the possible exception of a small portion near Comilla. It was also agreed that before this solution was adopted a survey should be undertaken for the purpose of ascertaining the extent of, and the possibility of minimising, any consequent damage. The first part of the survey, namely, the observation of flood levels in the river, has been taken up; and I hope that in the cold weather a contour line of levels will be run over the country now protected by the embankment. No other scheme has been taken up.

(c) I am not able to anticipate the presentation of the budget statement.

Measures against annual breaches in Gumti embankment in Tippera district.

*45. **Mr. DHIRENDRA NATH DATTA:** (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what steps, if any, have been or are proposed to be taken in order to prevent the annual breaches in the Gumti embankment in the district of Tippera?

(b) Is it a fact that the Government contemplate the removal of the two sides of the embankment beyond the town of Comilla in order to avert flood and consequent destruction of crops and huts?

(c) Is it a fact that in a conference held in December, 1939, with some members of this House and the Superintending Engineer the removal of north sides of embankments beyond the town of Comilla was considered to be the best possible solution for averting the flood?

(d) If the answers to clauses (b) and (c) are in the affirmative, will the the Hon'ble Minister be pleased to state what steps the Government have taken since then in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Attention is invited to the answer which I have given to starred question No. 44 by Mr. Maqbul Hossain.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us when the first part of the survey, namely, the observation of the flood levels in the river, has been taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think just a few months back. I am sorry I cannot give the exact date, but I remember this much that a special allotment had to be made after the Budget was passed.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether posts have been set up for the observation of flood levels in the river everywhere?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir; there are only a few places where gauge reading posts have been set up.

Mr. DHIRENDRA NATH DATTA: May I take it that for the observation of the flood levels an extensive survey is necessary?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No. For a survey of the nature we have undertaken, levels have to be taken in a number of places.

Mr. DHIRENDRA NATH DATTA: Is it a fact that it was settled in the Conference that the embankments on both sides of the river would be demolished?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think that was the idea. Excepting a small portion just near the Comilla town, the embankments would be demolished.

Use of the Gumti embankment as a public thoroughfare.

***46. Mr. DHIRENDRA NATH DATTA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the Gumti embankment is a public thoroughfare in the town of Comilla;

(*ii*) that the residents of Comilla have been suffering on account of iron posts being driven into the embankments;

(*iii*) that it has obstructed the wheeled traffic; and

(*iv*) that the municipality of Comilla has petitioned to the Government for permission to metal the Gumti embankment which passes through the town of Comilla?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when the petition was made; and

(*ii*) what action, if any, has been taken on the petition?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) to (*iii*) Government do not object to the use of the embankment by such traffic as is not likely to affect it injuriously. Wheeled traffic might damage the crest and iron posts have been driven in to prevent such traffic.

(*iv*) Yes.

(*b*) The proposal was received by Government in December last and is now under examination. The flood level of the river is rising and it is necessary to consider the desirability of raising the embankment before the crest is metalled.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that iron posts were only driven in two years ago and before the iron posts were driven in, carts and carriages were allowed to pass over the embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be so. I cannot say exactly when these iron posts were placed there, but they were there for a number of years.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether pending the metalling of the embankment wheeled traffic would be allowed to go over the embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir, as it was not possible to control the traffic there. Although these posts were placed there to stop all wheeled traffic but the real objection was with regard to heavy carriages and carts passing over the embankment may result in damaging the crest which is to be maintained by the Irrigation Department.

Want of waiting sheds at Suri Registration Office.

***47. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that at Suri, Birbhum, there are no waiting sheds for the parties excepting the verandah of the office; and

(*ii*) that parties, especially ladies, suffer from the sun and the rains?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the erection of a shed at an early date?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes, but the wide verandah affords reasonable accommodation.

(*ii*) No complaint has been received.

(*b*) This will be looked into.

Mosquito curtains for prisoners.

*48. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps, if any, the Government have taken for providing prisoners with mosquito curtains in jails?

(*b*) Are the undertrial prisoners allowed to use mosquito curtains provided at their own cost?

(*c*) If not, what are the reasons?

(*d*) Are the convicted prisoners allowed to provide themselves with their own mosquito curtains?

(*e*) What steps, if any, have the Government taken for prevention of mosquito nuisance in the jails last year?

(*f*) What was the cost involved therefor?

(*g*) Have any steps been taken for providing prisoners with oil for washing purposes?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*d*) The honourable member is referred to the provisions of rules 1052, 1061 and 1242, Bengal Jail Code, a copy of which is in the Library.

(*b*) and (*g*) Yes.

(*c*) Does not arise.

(*e*) and (*f*) Government have supplied one bedsheet to each prisoner at a cost of Rs.8,760 per annum.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to tell us what is the cost of one bed-sheet which has been supplied to each prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know what is the price of each bed-sheet, but the total cost comes up to Rs. 8,760.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the number of prisoners to whom the bed-sheets have been supplied?

The Hon'ble Khwaja Sir NAZIMUDDIN: All the prisoners.

Mr. SURENDRA NATH BISWAS: How many prisoners are there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister considering the fact that for Re. 1 a mosquito curtain can be purchased?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so. Besides, there are other objections to mosquito curtains.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহাশয়—যে বেড্‌সিটের কথা বোল্‌ছেন—সে বেড্‌সিট কি মন্ত্রী মহাশয় নিজে কোন দিন দেখেছেন যে তার উপর লোকে শুতে পারে কি না?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not for sleeping on the bed-sheet, but it is for covering him and thereby giving him some protection from mosquito bites.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please tell us what are the "other" objections to the use of mosquito curtains?

Mr. SPEAKER: The Hon'ble Minister has already replied that there are objections to the use of mosquito curtains and he has quoted the rules in the Bengal Jail Code.

Mr. DHIRENDRA NATH DATTA: We have seen that answer, Sir, but as he has said that there are other objections to the use of mosquito curtains, will he kindly enlighten us as to what those "other" objections are?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, these questions have been discussed more than once and carefully considered and on the basis of that consideration these rules in the Jail Code have been framed. Recent discussions have also led Government to the conclusion that it is not advisable to supply mosquito curtains.

Mr. DHIRENDRA NATH DATTA: Sir, I want an answer to my question as to what those other objections are.

Mr. SPEAKER: It is said "Government have come to this conclusion."

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state if one of the objections to a prisoner being supplied with a mosquito net is that he might commit suicide by means of that mosquito curtain?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, it may be one of the reasons.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state whether it is not possible for prisoners to commit suicide, if they are so minded, with the help of the bed-sheets supplied to them?

Mr. SPEAKER: Well, it is a matter of opinion.

Attempt to rouse discontent among employees of the Oriental Gas Works.

*49. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) what was the nature of the information which convinced the Police Commissioner that I was "endeavouring to rouse discontent among the employees of the Oriental Gas Works so that they may be induced to declare a strike" as stated in Police Commissioner's memorandum No. S.W. 826/40, of the 18th April, 1940, addressed to me; and

(*ii*) whether the information above referred to was gathered from—

(1) my speeches delivered to the employees of the Oriental Gas Works; or

(2) any pamphlet or leaflet issued by me; or

(3) any statement published by me in any Press?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased—

(*i*) to state the exact date and place of delivering that speech;

(*ii*) to place on the table a copy of that pamphlet or leaflet; and

(*iii*) to mention the paper in which that statement was published?

(*c*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state from what other source the information was obtained?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is regretted that the information cannot be given in the public interest.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister please state whether it is a fact that by reason of such unlimited powers given to the Police Commissioner for which no explanation can be given to this House, the legitimate activities of the Labour members in their constituencies are bound to suffer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, once I take up the plea that the information cannot be given I cannot give any answer to that question.

Cultivation of betel in Bengal.

***50. Mr. PATIRAM ROY:** (*a*) With reference to the reply given to clauses (*b*) and (*c*) of starred question No. 297 on the 8th April, 1940, will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what suitable means have been found out to control and prevent the alarming disease of the betel;

(*ii*) when and where the preventive measures have been adopted;

(*iii*) how far the Government have achieved success by the preventive measures; and

(*iv*) what the Government are doing to alleviate the disease at present?

(*b*) Has it been found through their experts that steps taken by Government for the prevention and control of the disease have been adequate?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what steps the Government propose taking immediately for tackling the situation?

(*d*) Is the Hon'ble Minister aware that a large number of people of Bengal have been affected?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) A statement is laid on the table.

(*ii*) Preventive measures were adopted during the years 1930-39. A statement is laid on the table.

(*iii*) Very encouraging results have been obtained, whenever the spraying mentioned in the statement in reply to (*a*) (*i*) has been done.

(*iv*) Spraying demonstrations are given for the control of the diseases, whenever any report of such diseases is received from a particular locality.

(*b*) The remedies found out by the experts for the control of the diseases are quite effective. It remains now for the cultivator to adopt the means recommended by the department.

(*c*) Does not arise.

(*d*) Yes.

Statement referred to in the reply to clause (a) (i) of starred question No. 50.

The diseases responsible for considerable damage to betelvine are two, i.e., *Phytophthora* and *Rhizoctonia*.

Phytophthora attacks the plants above the soil specially during the rainy season and can be controlled by spraying the plants trailing on the soil, and up to a height of two feet with Bordeaux mixture, once a month from the month of June till November. Bordeaux mixture is prepared by dissolving 32 tolas of copper sulphate and 32 tolas of stone lime in 1 maund of water.

Rhizoctonia attacks the roots of the plants during the dry months of winter. This can be checked by watering the plants with a solution of kerol (one part of kerol to six hundred parts of water) every fifteen days. The treatment is to be started from middle of November and continued till April. Kerol is a patent soil sterilizer, obtainable from Messrs. Wilkinson Heywood and Clark and Sons, 2, Clive Row, Calcutta.

Statement referred to in the reply to clause (a) (ii) of starred question No. 50.

YEAR AND LOCALITY WHERE SPRAYING DEMONSTRATION WAS DONE IN PAN BOROJES.

1930-31.

Cox's Bazar, Khulna, Jessore, Narsingdi, Munshiganj and Madaripur subdivisions.

1932-33.

Betka (district Dacca).

1935-36.

Dacca, Faridpur, Madaripur, Bakarganj, Mymensingh, Tippera, Chittagong, 24-Parganas, Hooghly, Howrah, Jessore and Khulna.

1936-37.

Eastern Circle.—Dacca (Rampal and Panchasar), Mymensingh (Iswarganj), Comilla (Kalikatchha), Faridpur (Badarpur and Brahmankanda), and Barisal (Pinglakati, Khanjapur and Bhurghata). The demonstration was also done in 43 centres of Chittagong district.

Western Circle.—24-Parganas (Madrihat, Baruipur), Khulna (Bagerhat, Baruli), Hooghly (Begampur, Rajpur, Panchghara), Howrah (Ichapur), Jessore (Rajghat, Ghonja and Gadgachi), and Burdwan (Saktikrishi Khetra).

1937-38.

Maliara (Bankura), and Amta (Howrah).

1938-39.

Necessary advice regarding the treatment of *Pan borojes* was given to the following parties:—

President, Kanchannagar Union Board, Fatikchery (Chittagong), M. M. Das, Esq., P. O. Angaria, Faridpur, Amrita Lal Mandal, 24-Parganas, Raja Brothers Estate, Bhagyakul, Dacca, Manager, Baruipara Co-operative Society.

Practical demonstration was given to the following parties:—

Secretary, Barujibi Shangha, Khulna, Babu Jagadish Chandra Das, P. O. Rajghat, Jessore, President, Domjur Union Board, Howrah.

1939-40.

Necessary advice regarding the treatment of *Pan borojes* was given to the following parties:—

Babu Sachindra Nath Roy, Manikdah, Faridpur, Sachindra Nath Maiti, Midnapur, Dr. Saileswar Das, Member, Domjur Union Board, Howrah, President and Secretary, Khulna Barujibi Association, Babu Hirendra Nath Bhowal, Vikrampur Trading and Manufacturing Co., Ltd., Dacca, Babu Gopal Chandra Das, Mura Kata, Midnapur.

Practical demonstration was given at the following places:—

Senhati, Formajkhana, Maheswarpasa, Atra, Diara and Chandanimahal in Khulna district, Amta (Howrah).

Kishan organisations in Bengal.

*51. **Mr. NISHITHA NATH KUNDU:** (a) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(i) whether the Kishan organisations in the Province have been declared illegal and unlawful by the Government; and

(ii) whether the object and purpose of the Bengal Kishan Sabha have been declared by the Government to be illegal and unlawful?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state the reasons why the Kishans, who attended the meetings organised under instructions from the District Magistrate of Dinajpur at Gareya, Bochaganj and Lahirihat, were threatened by the said officer that they would be punished if they took part in Kishan Samitis and Kishan movement?

(c) Did the Government issue any instructions to the District Magistrate about Kishan movement in the district of Dinajpur?

(d) Is it a fact—

(i) that by the order of the District Magistrate the four Kishans who attended the meeting organised at Lahirihat were arrested; and

(ii) that they were released on bail of Rs.10,000 each with two sureties of Rs.5,000 each?

(e) If the answer to (d) is in the affirmative, will the Hon'ble Minister be pleased to state the offence for which they were arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) No.

(b) The Kishans who attended the meetings in question were not threatened with punishment for taking part in Kishan Samitis and Kishan movements as such. The consequences of joining in unlawful and unauthorised agitation and committing unlawful acts in the name of Kishan movement were explained to them in their own interest.

(c) No particular instructions regarding the Kishan movement were issued to the District Magistrate, Dinajpur; general instructions about such movements have been issued from time to time.

(d) (i) Four local leaders who endeavoured to organise a disturbance were arrested.

(ii) Yes.

(e) They were arrested under rule 56 of the Defence of India Rules for organising and taking out an unauthorised procession

Mr. PREMHARI BARMA: Will the Hon'ble Minister please state with reference to answer (*d*)(*i*) what kinds of disturbances were these leaders endeavouring to organize?

Mr. SPEAKER: They were arrested for taking out an unauthorised procession.

Mr. PREMHARI BARMA: My question, Sir, was with reference to (*d*)(*i*), namely, that "four local leaders who endeavoured to organize a disturbance were arrested." Now, my question is: What kind of disturbance was it that they endeavoured to organize?

Mr. SPEAKER: Unauthorised procession!

Mr. PREMHARI BARMA: I am sorry, Sir, that perhaps I have not been able to make myself understood. I wanted to know what kind of disturbances these leaders were endeavouring to organize and what are those specific endeavours?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the answer is given in (*e*).

Mr. NISHITHA NATH KUNDU: With reference to answer (*d*)(*i*), will the Hon'ble Minister please state what were the specific actions that were responsible for their arrest?

Mr. SPEAKER: The Hon'ble Minister has not referred to any specific action.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please state if he knows about any specific actions that were committed by those who were arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, Sir, the answer is, again, in (*e*).

Mr. NISHITHA NATH KUNDU: But, Sir, it is very vague.

Mr. SPEAKER: No, not vague. They were arrested for taking out an unauthorised procession. The answer is perfectly clear.

Mr. NISHITHA NATH KUNDU: Is it not a fact that all the *kisans* and all the public were invited by the District Magistrate to attend the meeting? The question is very clear, Sir.

Mr. SPEAKER: Apparently it is very clear. Please see (*b*), which gives the answer.

Mr. SIBNATH BANERJEE: The question is in (*b*), but the answer is not given in (*b*), Sir.

Mr. SPEAKER: Not in (*b*) but behind (*b*). (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is obvious that it could not have been for attending that meeting, but it must be for the organization of some other meeting—meetings other than that called by the District Magistrate.

Mr. PREMHARI BARMA: Will the Hon'ble Minister please state the time and place where the unauthorised procession was taken out?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I ask for notice.

Mr. NISHITHA NATH KUNDU: Are we to take it that the Hon'ble Minister received information to the effect that they organized an authorised meeting?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member refers to answer (*e*) he will find that it was not for organizing a meeting but for taking out an unauthorised procession.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state the place in which this alleged procession was held?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice; I am not sure of the place, Sir.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state the number of unauthorised processions held in Calcutta during the last three months?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please state if those four persons were the only persons who were in the procession?

The Hon'ble Khwaja Sir NAZIMUDDIN: They were the organizers.

Lease of non-arable char lands to tenants.

*52. **Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that many *char* lands are leased out to the tenants by the Khas-mahal before they are arable; and

(*ii*) that the poor tenants have to bear the taxation from ten to fifteen years before they get any benefit?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of declaring such *chars* as free pastures till they are fit for cultivation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) The member is referred to the reply to part (*a*) of his question (being number starred 327A) replied to in the last session of the Assembly.

(*ii*) This is not likely in view of rules 89 and 90 of the Crown Estates Manual, 1932, but Government have no such information.

(*b*) Does not arise.

Atharabanka river in Khulna.

*53. **Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the Atharabanka river in the Khulna district is in a moribund condition;

(*ii*) that big country boats are unable to ply on this river, specially where it meets the Madhumati; and

(*iii*) that owing to diversion of its offtake from the Madhumati a much smaller volume of water from the Madhumati flows through the Atharabanka?

(*b*) Have the Government considered the question through their experts—

(*i*) whether the opening out of the old mouth of the Atharabanka near Chathiadaha will ensure a large volume of water to flow into the Atharabanka and save this river from dying;

(*ii*) whether the silting up of the Atharabanka will also cause the silting up of the portion of the Bhairab river from Alaipur to Khulna; and

(*iii*) how far this silting up of the river will contribute to the deterioration of health of the affected area as well as to the ruin of agriculture of the locality?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) As I said on the 15th February, 1940, in reply to another question asked by the honourable member, the river showed signs of silting up, but recently some improvement has been noticed.

(*ii*) Big country boats cannot ply along the old offtake of the river at Asthail and some difficulty may be felt by very large boats in crossing shoals in other reaches during January and February.

(*iii*) No.

(*b*) (*i*) The old mouth if re-excavated would only silt up again rapidly.

(*ii*) Under present conditions this reach of the Bhairab is not likely to silt up.

(*iii*) As already stated, the Atharabanka has improved since the opening up of the new offtake at Chapail.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what steps he is contemplating to keep the Bairab river beyond Khulna navigable?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, the question refers to the Bairab river from Alaipur to Khulna, and does not go beyond it.

Mr. SIBNATH BANERJEE: But the water flows beyond it, and therefore I am asking it.

Mr. SPEAKER: The supplementary questions do not flow beyond it. (Laughter.)

Sale of jute at a price lower than that fixed by Jute Ordinance in certain places of Jessore district.

***54. Mr. A. M. A. ZAMAN:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that under section 3 (*1*) (*a*) of the Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940, no person shall make a contract relating to raw jute futures at a rate of less than Rs.60 or more than Rs.90?

(*b*) If so, is the Hon'ble Minister aware that the buyers of the Naldi Bazar, Brahmandanga *hat*, and Mithapur *hat* in Lohagora police-station, and Bagasirampore, Pajarkhali *hat* and Sorospur *hat* in Narail police-station (Jessore) are buying jute at Rs.4 to Rs.6 per maund from the cultivators?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take for the publicity of the provisions of the Ordinance regarding the price of raw jute amongst the mass people of the places referred to in (*b*)?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) The Raw Jute Futures Ordinance has no application to the price of jute in the ordinary commodity markets. It applies only to futures contracts relating to raw jute which contain a provision for payment of margin. This will be evident from the definitions given in the Ordinance itself.

I have made enquiries and I am informed that in the *hats* mentioned in the question, raw jute of average quality was not sold below Rs.6-4 per maund during the month of June.

(*c*) As explained, the Ordinance has no application to raw jute prices in *mufassal* markets and therefore no publicity regarding its provision is necessary.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন যে অর্ডিনান্স হবার পরেও একথা ঘোষণা করা হোয়েছে যে পাটের দাম প্রতি গাঁট নিম্নে ৬০৲ টাকা ও উর্দ্ধে ৯০৲ টাকায় বিক্রয় কোরতে হবে?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, in the Futures markets.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether the fixing of price for the Bengal Raw Jute Futures and the Hessain Cloth Futures was done with a view to improve the prices and put money in the hands of the grower of jute?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, to maintain prices at that level.

Mr. JOGESH CHANDRA GUPTA: Having regard to the last answer given by the Hon'ble Minister, will he modify his answer in (*c*), namely, "as explained the ordinance has no application to raw jute prices in mufassal markets and therefore no publicity regarding its provision is necessary"?

The Hon'ble Mr. TAMIZUDDIN KHAN: The honourable questioner ought to know that the provisions of the ordinanace have almost been made nugatory under present circumstances.

Silting up of Lohajang river in Tangail.

*55. **Mr. AMRITA LAL MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the mouth of the river Lohajang in the Tangail subdivision has been silted up; and

(*ii*) that the said river is not navigable even in the rainy season?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take for making the river navigable?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes.

(*ii*) I understand that during the Monsoon communication with Tangail and other villages is maintained.

(*b*) In the present condition of its parent channel, namely, the Baraitali loop of the Jamuna, no permanent improvement of the Lohajang river is possible.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that the mouth of the river was excavated before and its effect did not continue for a good many years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not sure of that, but the result shows that the cut was not effective.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that in consequence of that the ferry steamer plying between Serajgunge and Pabna is delayed for some time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That may be so.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন—এই বড়ইতলী লুপ্ থেকে যা নাকি লৌহজং নদীর মুখে কেটে আনা হয়—সে সমস্ত নদীর জল টাঙ্গাইলের মধ্য দিয়ে না যেয়ে খালী দিয়ে বেরিয়ে যায়?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid I have no knowledge of that.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে কি এটার খোঁজ নেবেন টাঙ্গাইলের লৌহজং নদীর জলস্রোত লৌহজং দিয়ে না যেয়ে অন্য দিকের খাল দিয়ে বেরিয়ে যায়?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I may inform the House that after the creation of the new division at Mymensingh, problems like these and other matters are being now looked into by the officers who have been posted there.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state in view of his last answer, what steps are being taken to improve the present condition of the Bariatali loop of the Jamuna?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No scheme can be taken up until the necessary data are collected.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Dinajpur District Magistrate's orders regarding grant of bails to persons arrested under Defence of India Rules.

27. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether the District Magistrate of Dinajpur has issued any instructions to his subordinate officers as to the grant of bails to those arrested under Defence of India Rules?

(*b*) If so, what are those?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

Mr. NISHITHA NATH KUNDU: In view of the specific provision in law that the amount of the bail should not ordinarily be excessive, and in view of the answer that the District Magistrate has not given any special instruction in the matter of bails, how is it that in the case of the *kisans* it was ordered that they would be released on a bail of Rs. 10,000 each with two sureties of Rs. 5,000 each?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Sir, it rises in this way. The District Magistrate had not given any special instructions for bails, but an order of release on bail of Rs. 10,000 each with two sureties of Rs. 5,000 each was passed in the case of persons arrested. It was certainly very excessive. So, I am asking what was the reason.

Mr. SPEAKER: I have already said that the question does not arise.

Externment order on Srijut Satyendra Nath Roy, of Thakurgaon.

28. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether Srijut Satyendra Nath Roy, B.A., of Thakurgaon in Dinajpur, has been externed under the Defence of India Rules from Thakurgaon, the seat of his father's residence and properties?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any allowance has been granted to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) No.

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister aware that such externments cause great hardship to the persons concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is unfortunate, but these people should not indulge in these activities.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of looking into the whole question of externment and internment and giving allowances to persons affected?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question has been considered and if the honourable member likes to see me, I will explain to him the Government policy.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that in the previous Government when the popular Ministers were not there, there was a system of giving an allowance to internees and externees?

The Hon'ble Khwaja Sir NAZIMUDDIN: I doubt if there was any question of externees then.

False representation of members of non-Scheduled Castes to secure Government service.

29. Mr. DHANANJOY ROY: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that non-Scheduled Caste members sometimes secure Government service by falsely representing themselves as Scheduled Caste members;

(*ii*) that one Nagendra Nath Sutradhar belonging to the Sutradhar community of the Caste Hindu category has secured the job of a clerk by representing himself as a Scheduled Caste in the Alipore Central Jail Press; and

(*iii*) that one Devendra Nath Mullick belonging to the Kapali community has secured the job of an estimator by representing himself as a member of the Scheduled Castes in the Alipore Presidency Jail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

(*b*) If so, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

(*c*) Do the Government contemplate the filling up of the posts by candidates from the Scheduled Castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*c*) Do not arise.

Interview with prisoners in Alipore Central Jail convicted under the Defence of India Act.

30. Dr. SURESH CHANDRA BANERJEE: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that Dr. S. C. Banerjee, M.L.A., wrote two letters to the Superintendent of Alipore Central Jail requesting him to let him (Dr. Banerjee) know when he could have an interview with Devendra Nath Sen, a Defence of India Act prisoner in the jail; and

(*ii*) that neither an interview was sanctioned nor was any reply to those letters given?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) One letter, dated the 9th May, 1940, was received.

(*ii*) The interview was refused and Dr. Banerjee was verbally informed of this by the Deputy Jailor accordingly.

(*b*) Does not arise.

Dr. SURESH CHANDRA BANERJEE: Is the Hon'ble Minister in possession of any communication preventing me from having an interview with Devendra Nath Sen with whom I sought for an interview?

Mr. SPEAKER: The answer says that you were verbally informed.

Dr. SURESH CHANDRA BANERJEE: My humble submission is this. As a matter of fact, I wrote three letters and not one. I was never informed verbally that I was not to have the interview. As a matter of fact, when I asked for an interview through a letter, there is no meaning in sending a message verbally that I was not to have the interview.

The Hon'ble Khaja Sir NAZIMUDDIN: Sir, Dr. Banerjee sent only one letter, dated 9th May, 1940, asking for an interview with the prisoner, and that through a messenger who brought it to the jail on 11th May, 1940. As Dr. Banerjee wanted the interview urgently, the messenger was asked to inform him that the interview would be allowed on 13th May, 1940, if the Intelligence Branch had no objection. In this case the Intelligence Branch objected subsequently, and Dr. Banerjee who was present at the jail gate on that day was several times informed by the Deputy Jailor. Hence, the jail authorities considered it unnecessary to send any reply to the letter.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that Dr. Banerjee was not allowed to have any interview with Deven Sen, because Deven Sen was beaten on the 15th July by the Jailor?

Mr. SPEAKER: That question does not arise.

Voters' list for Labour Constituencies.

31. Mr. A. M. A. ZAMAN: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the Labour Commissioner and the Factory Inspector, in preparing the Voters' Lists of the Labour Constituencies for the next Assembly Election, are enlisting greater number

of Muslims as voters from jute mills, cotton mills, printing presses and other factories; and

(*ii*) that the number of Hindu voters is being decreased?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take in the matter?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the present number and names of—

(1) jute mills,

(2) cotton mills,

(3) printing presses, and

(4) other factories,

in Barrackpore subdivision, Calcutta, and suburbs (including the 24-Parganas, Howrah and Hooghly districts); and

(*ii*) the present number of their (1) Hindu and (2) Muslim employees?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Obviously the four Factory Labour Constituencies, viz., Calcutta and suburbs, Barrackpore, Howrah and Hooghly-*cum*-Serampore are referred to. Neither the Labour Commissioner nor the Factory Inspectors have anything to do with the preparation of the electoral rolls of these constituencies.

(*b*) Does not arise.

(*c*) (*i*) A copy of the classified list of factories in Bengal corrected up to date containing the required information is laid on the Library table.

(*ii*) I have no information.

Hardship caused by the imposition of the education cess on landlords and tenants.

32. Mr. P. BANERJI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the attention of the Government has been drawn to the hardship caused to the landlords and tenants by the imposition of the primary education cess?

(*b*) If so, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No case of serious hardship has been brought to my notice.

(*b*) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state how many cases of hardship have been brought to his notice?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have said "no" in the answer.

SHORT NOTICE STARRED QUESTION

(to which oral answer was given)

Changes for currency notes.

***55A. Mr. SIBNATH BANERJEE:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware—

(*i*) that the public are experiencing great hardship in getting change for ten and five-rupee notes;

(*ii*) that lines of persons are being formed in front of the Currency Office for getting change for notes;

(*iii*) that shopkeepers often refuse to sell goods if buyers have five-rupee notes and no coins; and

(*iv*) that brokerage up to 8 annas is being charged for changing a five-rupee note in villages?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken in the matter?

(*c*) Do the Government contemplate approaching higher authorities for minting more coins in the Calcutta Mint?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) and (*ii*) Government have received reports of the inconvenience arising from the shortage of metallic currency caused by the withdrawal of coin from circulation for purposes of hoarding.

(*iii*) No.

(*iv*) No. As the charging of such brokerage is punishable under rule 90 of the Defence of India Rules, Government will be glad to receive information that will enable them to prosecute.

(*b*) Treasury officers have been directed to provide themselves with adequate supplies to enable them to meet all reasonable demands.

District Magistrates have been directed to take prompt punitive action in cases where local traders refuse to accept notes or to accept them at their full value.

A communique was issued on the 3rd July informing the public that currency notes will be changed for silver to any reasonable amount and warning them against hoarding of money and against buying or selling of notes and coins for an amount other than their face value.

The Government of India have been fully apprised of the position and all possible steps are being taken both to minimise the existing inconvenience and to bring those responsible to book.

(*c*) Both Mints are working to full capacity.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether he will consider the desirability of advising or suggesting to the higher authorities to issue one-rupee and two-and-a-half-rupee notes in view of the shortage of metallic currency?

The Hon'ble Mr. H. S. SUHRAWARDY: I have already stated that we have informed the Government of India regarding the position. We have also tendered our advice. I am, Sir, not in a position to disclose the advice that we have tendered.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state that this shortage of metallic currency is only due to hoarding or to other reasons?

Mr. SPEAKER: I think you ought to go to an authority on Indian economics. It cannot be settled here. (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if any punishment was meted out to any grocer or shopkeeper recently in Calcutta or in the districts of Bengal for refusing to change notes? The Hon'ble Minister said that under rule 90 of the Defence of India Rules Government can prosecute those who——

Mr. SPEAKER: Mr. Hashemy, will you usually go to Government or the Commissioner of Police if a man does not give change for a ten-rupee note? That is the difficulty.

Mr. SYED JALALUDDIN HASHEMY: Is it a fact that many people have been arrested at Howrah Station for the offence of carrying coins from Calcutta to their respective homes?

The Hon'ble Mr. H. S. SUHRAWARDY: I have seen reports of such arrests.

Mr. SURENDRFA NATH BISWAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether in apprising the Government of India of the position prevailing in this province, this Government have recommended to the Government of India the necessity of issuing one-rupee notes?

Mr. SPEAKER: The Hon'ble Minister has said that Government have given advice to the Government of India and that they cannot disclose the nature of the advice at this stage.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that a trader often has to keep change for a note against purchases of goods of value lower than the value of the notes?

Mr. SPEAKER: I cannot understand your question.

Mr. SURENDRA NATH BISWAS: I am asking whether the Hon'ble Minister is aware that a trader has often to keep change of a currency note against purchases made from him of articles.

Mr. SPEAKER: Naturally. That does not require any answer.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that local traders are suffering from want of sufficient coins to give such change?

The Hon'ble Mr. H. S. SUHRAWARDY: I do feel that there is a shortage of small coins in the country, and this is one of the reasons why both the Mints which are working to full capacity are engaged to a very large extent in issuing small change. This difficulty which the honorable member has mentioned has been appreciated.

Dr. NALINAKSHA SANYAL: With reference to question (*a*) (*iii*), namely, that shopkeepers often refuse to sell goods if buyers have five-rupee notes and no coins, will the Hon'ble Minister be pleased to state what measure Government contemplate in case shopkeepers did not possess change and as a result cannot exchange their goods?

The Hon'ble Mr. H. S. SUHRAWARDY: The Currency Office is open. The shopkeepers who are really in need of change can always go to the Currency Office and get change. Change in the Currency Office is restricted in the case of those persons who, it is felt, are taking away money for the purpose of hoarding.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that it is not possible to get change in the Currency Office unless people form a queue and wait for three hours or more?

The Hon'ble Mr. H. S. SUHRAWARDY: Some are fortunate enough to get after a few minutes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that even at the General Post Office in Calcutta postage stamps could not be sold on the 16th and 17th of this month when five-rupee notes were tendered even when the postage required was as much as worth Rs. 3? I myself had experience of that. (Laughter.)

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it. The honourable member must have been peculiarly unfortunate. (Laughter.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of supplying Post Offices with enough coins so that in case any individual cannot get sufficient change for his domestic purposes he can run up to the Post Office and get the change?

The Hon'ble Mr. H. S. SUHRAWRDY: The Post Offices have been supplied with adequate coins, but I would like to state here that the supply of coins and currency either to the public or to the Post Offices is really a matter for the Government of India.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to give members an idea as to how to get change within, say, half an hour from the Currency?

The Hon'ble Mr. H. S. SUHRAWARDY: By going there early enough. (Laughter.)

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that those who want to collect coins—they go earlier than the people who form queues for witnessing Muhammadan Sporting Games? (Laughter.)

(No reply.)

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister aware that the capacity of the Mints can be increased ten times by increasing the number of men and shifts, *i.e.*, the hours of work?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member appears to have expert knowledge of a subject of which he is hopelessly ignorant.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in view of the fact that difficulties are being experienced even in Calcutta in getting change from the Treasury, what arrangements do Government propose to make to give facilities to the villagers to get notes changed in the village markets?

Mr. SPEAKER: He has given the answer to that already. Mr. Biswas ought to realise that no Government can take steps in a matter like this in every village

Mr. SURENDRA NATH BISWAS: Sir, it is our duty to inform Government of the sufferings of the people. Everybody is concerned with Calcutta, but no one is concerned with the villagers in the mufassal markets, where even for one rupee one cannot get any change.

Mr. SPEAKER: You can ask about treasuries and not about village markets.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the shortage of metallic currency is due to shortage of silver?

The Hon'ble Mr. H. S. SUHRAWARDY: By no means. There is ample silver in the coffers of the Government of India to meet any run for several years to come.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the prestige of the Government is at stake?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: As there is enough silver, will the Hon'ble Minister be pleased to state whether there is any shortage of expert labour for minting coins?

Mr. SPEAKER: The mint is working under the Government of India.

Mr. ROGERS HAYWOOD: Will the Hon'ble Minister be pleased to state, in view of the warning which has been given to hoarders of their unsociable acts in so doing, whether enquiries are being made or instituted into such acts, whether steps are being taken for asking Insurance Companies to find out whether people have insured large hoardings of silver and also whether any steps are being taken to find out who the offenders are who are hoarding such coins?

The Hon'ble Mr. H. S. SUHRAWARDY: The Government of India have given no such indication as yet, but I understand that they are considering certain steps which will relieve the monetary situation.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the Government of Bengal have approached the Government of India for increasing the capacity of working of the Mints?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if he will consider the desirability of issuing orders to petrol-sellers to sell petrol to people who have got cars by changing ten-rupee notes?

Mr. SPEAKER: I did not know that you would have to divulge all your domestic troubles here! (Laughter.)

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1936.

Clause 9.

Mr. SPEAKER: We will now take up clause 9.

Dr. NALINAKSHA SANYAL: Sir, I have two amendments to clause 9—one is No. 12 and the other is No. 14. These two go together practically. No. 13 has been interpolated by the office through mistake; it deals with an entirely different subject.

Mr. SPEAKER: Are you moving 13 and 15, Mr. Banerjee?

Mr. SATYAPRIYA BANERJEE: Yes, Sir.

Mr. SPEAKER: Amendments Nos. 12, 14 and 15 deal with the same subject. Dr. Sanyal, you may move your amendments.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 9, line 1, after the word "may" the following words be inserted, namely, "on the recommendation of the Provincial Public Service Commission."

I also beg to move that the following proviso be added to clause 9, namely, "provided that no person shall be appointed as Registrar unless he has a good record of administrative ability, has had a sufficiently long experience of Bengal villages, and can freely talk and associate with the villagers, and is either a ditinguished economist or has undergone a period of special training for the purpose."

Sir, the Registrar is admittedly the pivot of the entire co-operative movement in the province. The clause as it now stands does not state what should be the qualification of this eminent officer. It simply states that the Provincial Government may appoint a person to be Registrar of Co-operative Societies for Bengal and may appoint persons to assist him. That is all we find in the clause. If my proposed amendments are accepted, it will read as follows:—

"The Provincial Government may, on the recommendation of the Provincial Public Service Commission, appoint a person to be Registrar of Co-operative Societies for Bengal and may appoint persons to assist him, provided that no person shall be appointed as Registrar unless he has a good record of administrative ability, has had a sufficiently long experience of Bengal villages and can freely talk and associate with the villagers, and is either a distinguished economist or has undergone a period of special training for the purpose."

Sir, I would just quote a few observations from eminent co-operators and authorities to show how I have only relied on expert opinion in this connection. Calvert in his "Law and Principles of Co-operation" points out at page 81, that, "under the Co-operative Act, the Registrar is constituted the very foundation of the movement. It is left entirely to his discretion to register or to refuse to register a society and the by-laws and every amendment of them require his approval. Thus on him rests the responsibility of seeing that a society starts under conditions as favourable as he can make them. In order to ensure that wise rules are carefully observed, he is given unlimited powers of inspection and audit. He controls the power of a society to make loans to, and receive deposits from, a non-member, and has a voice in

the investment and disposal of its funds. Finally, he has full discretion, subject to the right of appeal to the Local Government or such Revenue Authority as it may nominate, to order the dissolution of a society and to appoint a liquidator to wind it up. These are extensive powers, and in some quarters there is an inclination to object to them being centred in a Government official. But it cannot reasonably be disputed that the control of the movement by official Registrars has been a success and has not in any way tended to paralyse progress," and so on.

He has on the basis of the Act of 1912 made certain observations about the wide and unlimited powers of the Registrar. In the present Bill, attempts are being made to extend those powers so that the Registrar is proposed to be made a Hitler of the whole movement.

Professor Sadeque, Professor of Economics of the Islamia College, points out that the essence of co-operation is independence and self-reliance, but our societies have been made abjectly dependent on official props from the very beginning. "Under the proposed Hitlerite Act, co-operative societies will completely cease to be co-operative and they will be the media of lending Government money and extorting it back by the exercise of the sovereign powers of the Registrar who has been made another Hitler or Mussolini. The limited powers of appeal against the decisions of the Registrar are so circumscribed that they will be virtually ineffective. So much power to a mortal being who is not a representative of the people whose fate he decides and who is a permanent official cannot but be dangerous on various scores besides its being entirely unco-operative in principle."

Again, he says, "the Registrar possessing so much power must not also be a permanent official unapproachable by them, but he should be a philosopher and guide of the co-operators and at the same time one of their own folk."

Thereupon, Mr. Sadeque proceeds to state the minimum qualifications which he considers to be essential for the selection of a Registrar. He thinks that the Registrar so far has been simply a permanent officer in the ordinary sense of the term, having no experience in independent profession. The failure of Jute Sale Societies of Bengal was entirely due to the absence of business-sense or business capacity in the then Registrar. That has been the finding of the Enquiry Committee, and it is just what is expected. To put a non-business man as the Registrar is the same as putting a man who never drove a car to do the same in the Calcutta streets! The Registrar must be a business man of the first rank or a distinguished economist, if a fair trial is to be given to the co-operative experiment.

Some members of the Select Committee, members who usually fight shy of making observations that go counter to the desire of Government, have come forward with this observation in their note of dissent.

These members include Khan Bahadur A. F. M. Abdur Rahman, Mr. Syed Abdul Majid, Mr. Fazlur Rahman (Dacca), Babu Kshetra Nath Singha, Maulvi Azhar Ali, and Khan Bahadur Syed Md. Afzal. They say, "Even we feel that as this movement depends almost entirely on the whole-hearted sympathy, co-operation and good work of its constituent members, the personality and efficiency of the Registrar counts a very great deal in enlisting such sympathy and co-operation of the members and general public. We therefore desire that our views regarding the selection of Registrar should find a place in the report of the Select Committee. In our considered opinion the following should be some of the essential qualifications of a Registrar:—

(*a*) He should have sufficiently long experience of Bengal villages and the life of its inmates acquired by close association with them.

(*b*) He should be genuinely sympathetic towards their difficulties and their aspirations and temperamentally fit to give expression to such sympathy by his words and deeds.

(*c*) He should have a good record of administrative ability.

(*d*) He should have requisite training as to enable him to give due respect and consideration to the opinion of non-official co-operators in development of the movement."

Again, Sir, in the Statutory Report of the Reserve Bank of India under section 55 (*1*) of the Reserve Bank of India Act, great emphasis is laid on the necessity of properly selecting the staff of the Co-operative Department and particularly of the Registrar. It is said in paragraph 31 onwards of that Report that the MacLagan Committee and the Royal Commission on Agriculture have both laid great stress on the intensive training of the staff in co-operation and rural economics. To these the framers of the Report add "the theory and practice of banking; the facilities existing for the training of the co-operative staff in most of the provinces do not yet seem to be adequate and much leeway has to be made up."

Speaking of the Registrar, they go on as follows:—"Since the Registrar forms the foundation of the whole movement, his training in co-operation, banking and rural economy requires the greatest possible attention." The MacLagan Committee set up the following very high standards for the Registrar:—

"In order to fulfil his duties he must be continually studying co-operative literature, which is now most extensive; he must make himself acquainted with economic conditions and practices both throughout India and in his own province. He must know the principles and methods of joint stock banking; and must examine the systems of developing thrift and better living; the more efficient the movement,

the more will other departments make use of it to promote their own special activities." The Commission recommends that "Local Governments should select the best man available as Registrar; on no account should the post be regarded as a convenient refuge for an official promoted by seniority to Collector's rank. Administrative experience, knowledge of the people and their economic conditions and ability to enlist the co-operation of honorary workers are essential qualifications. A Registrar, once appointed and proved efficient, should not be transferred from the post until the full benefit of continuity of policy has been assured," and so on. Thereafter the authors of the Statutory Report under the Reserve Bank of India Act regret—"we feel that not every Provincial Government has given these valuable recommendations the attention they deserve. The non-observance of these principles has resulted in hampering the progress of the movement in some of the provinces and we strongly recommend them to the serious consideration of the various Provincial Governments."

The purpose why I want these words to be incorporated in the clause itself, the clause empowering the Government to make the appointment of a Registrar, lies in those few words of the Statutory Report of the Reserve Bank of India that few Provincial Governments have followed the healthy recommendation of the Royal Commission on Agriculture and of the MacLagan Committee in the selection of the Registrar. The wordings of my amendments follow closely the recommendation of our friends of the Coalition Party in this regard as we find in their note of dissent, and I do not think that there can be any question about the desirability of consulting the Provincial Public Service Commission in the matter of appointment of such an important officer as this. I feel that the Registrar, who is at the head of a department which needs such careful handling by an officer on whom depends to a very great extent the welfare of the entire province, should be one absolutely above suspicion. There are certain rules regarding the appointment in Provincial Services which precludes the possibility of having a post like this referred to the Provincial Public Service Commission. I therefore submit that a specific provision should be made here that no appointment of the Registrar should be made without reference to the Public Service Commission, so that the public may have at least the confidence that the appointment has been scrutinised by an impartial body like the Public Service Commission.

With regard to the other necessary qualifications, I have relied entirely on the recommendations of the MacLagan Committee as well as of the Agricultural Commission, and I have also depended to a very large extent on the wordings of the members of the Coalition Party as in their Notes of Dissent. Therefore, I do hope that, in view of all these, these two amendments of mine will have universal support in this House.

Mr. SATYA PRIYA BANERJEE: May I also move my amendment No. 15, Sir, as it is complementary to No. 14, so that if one fails my motion may have a chance?

Mr. SPEAKER: All right, you may.

Mr. SATYA PRIYA BANERJEE: Sir, I beg to move that the following proviso be added to clause 9, namely:—"Provided that a person appointed to be Registrar of Co-operative Societies for Bengal, and persons appointed to assist him, shall hold such qualifications as may be prescribed."

At the outset I must confess that very little has been left to me after what has been said by Dr. Nalinaksha Sanyal. But my amendment differs in some respects from his, as I leave to the Government a wide scope in prescribing the qualifications for a Registrar. In other words, I want the qualifications to be prescribed by the Government. In this I am not in any way in opposition to the amendments moved by my friend and colleague, Dr. Sanyal. Sir, late Mr. Wolff, an acknowledged authority on Co-operation, put it to the McLagan Committee on Co-operation that the Registrar should be the friend, philosopher and guide of the co-operative movement and at the Conference of Registrars held in Delhi in 1936 (in which, by-the-bye, our Registrar was conspicuous by his absence), the Hon'ble Kunwar Sir Jagdish Prasad, said—Repeated emphasis has been laid on the importance of the post of the Registrar because, on his knowledge, on his ability, on his tact, on his drive and on his initiative depends the progress of the entire movement Sir, there have been Registrars in India who could be justly said to be the friend, philosopher and guide of this movement. There have also been Registrars in our province who can also be said to have approximated to the qualifications laid down by the McLagan Committee and the Royal Commission on Agriculture. But, Sir, I regret to have to note that since 1933, the year of appointment of the present Registrar, the movement has fallen on evil days because the present Registrar belonging to the cadre of Sub-Deputy Magistrate and pitchforked to the post could not certainly by the longest stretch of imagination be regarded as a "picked officer of experience and authority" in terms of the remarks of the McLagan Committee and more certainly could not be "the best man available" in the language of the Statutory Commission on Agriculture. What has been the result? The inefficiency of the present Registrar coupled with other causes which are not peculiar to Bengal but common to all the provinces has brought the movement to its present state of stagnation and decay, which, if allowed to continue in this way, will lead to

its ultimate collapse. Imagine, Sir, a gentleman, a Director of the Bengal Provincial Co-operative Bank, allowing another gentleman to withdraw money from the account of a third party, when asked by the officers of the bank, if it was permissible to do so. Imagine, Sir, a gentleman writing in 1936 to the Secretary of a Central Bank at Nator to allow a deposit, a heavy deposit, a deposit of over 20,000 rupees, to be withdrawn by the depositor whereupon the working committee of that bank wrote to the Provincial Bank for a loan which was granted by the Provincial Bank and the depositor was paid back, while the other depositors were deprived of their dues. They either got very little or got nothing. Imagine, again, Sir, a gentleman sending some of his trusted lieutenants to a Central Bank in Hooghly for deposit in a bank in South Calcutta from where he would take loans in *benami* for building a house here. Sir, may I, in this connection, refer to a photograph to which I referred in my Budget speech of 1939 and which I had shown also to the Hon'ble Minister in charge later on, but he took no action? I read from the photograph; I will not mention names. It runs thus—"A personal friend of the Registrar of Co-operative Societies was introduced to me by a certain gentleman who was an assistant of the Co-operative Department and another, late Inspector of Co-operative Societies. They used to tell me, that the Registrar himself required money for building a house in Calcutta and used to take loans in *benami* from this society." I wish this photo may also go on record. Then, again, imagine a gentleman conniving at corruption of one officer, allowing the same gentleman to continue in office even after he was found guilty of forging a passbook. Lastly, imagine a gentleman inspiring his servile non-official supporters and henchmen, I will not say conspiring with them, to nullify the election of some members of this House to the so-called non-official apex organisation of the province which is, in fact, the non-official "Benamdar" of the official Co-operative Department. Imagine all these and then come to a decision whether the Registrar who was appointed in 1933 was a fit man to be so appointed. And may I remind the House incidentally that this is the gentleman who has been given an extension up to December, 1940! Is that the way that you are going to improve and rehabilitate the movement on proper co-operative lines? If that is so, there will be an end to the co-operative movement, and it will be waste of time and energy to see this Bill through the Legislature when there is already the Act of 1912 in force. Sir, I have said all this not in any spirit of animosity, not in any spirit of ill-will against the present Registrar, far from it, but in a spirit of co-operation and out of love for and faith in, the movement, a movement which is pregnant with immense possibilities for the future, a movement, which if properly carried out, will bring peace, happiness, progress and prosperity to the people of the province.

Sir, I think I have nothing more to add, but I would only say this, that I leave the prescription of the qualifications entirely to the Government, and I hope they will bear in mind the qualifications that have been laid down by the various Commissions and Committees, especially the warning of the Reserve Bank of India in their statutory report of 1937 that "the non-observance of these principles has resulted in hampering the progress of the movement in some of the provinces and we strongly recommend them to the serious consideration of the various provincial Governments" a warning which was especially applicable to, and perhaps aimed at, Bengal. I hope the Hon'ble Minister in charge will not find his way to refuse this harmless amendment of mine. Prescription of the rules is in your hands; qualifications you have to decide. My only submission is that Government should see that those qualifications are proper, are adequate, and are complied with.

Mr. SIBNATH BANERJEE: Mr. Deputy Speaker, Sir, I rise to support the amendments moved respectively by Dr. Nalinaksha Sanyal and Mr. Satya Priya Banerjee. We have heard a lot about the qualifications of the Registrar—that he must be this and he must be that, that he should have sufficient and long experience of Bengal's villages and life of its inmates acquired by close association with them. I need not read the whole list of the recommendations put forward by the members of the Coalition Party, nor the recommendations of my friend Mr. Satya Priya Banerjee. But, Sir, there is one thing which I find absent in all of the recommendations, viz., that the Registrar should be a co-operator. Nobody seems to remember that point, and if I were allowed to move a short notice amendment, I would like to move that the Registrar must first of all be a co-operator. Sir, an honourable member wants to know what is a "co-operator." I may tell him that he is a co-operator who believes in the co-operative movement. It is not a case of co-operating with Government. Co-operation has another meaning in another context—not that co-operation whose political counterpart is non-co-operation with Government. Incidentally, I may say here that I have heard with considerable pain the portion read out here that because the ex-Registrar, Jamini Bhushan Mitter, was not a good economist or a businessman, therefore the Jute Sales Society which he had formed collapsed or failed. I hold quite a contrary view. He failed because there was no co-operation from the European mill-owners, because his move was sabotaged and because there was treachery in the ranks of officers. For these reasons, the movement could not succeed. Even then, I maintain that it did not fail. After all, a sum of Rs. 25 lakhs or thereabout was lost. What is that compared to the money that Bengal can make out of jute? Easily Rs. 60 crores can be made out of jute. In experimenting, if a

sum of Rs. 25 lakhs is lost, it is not a big loss really. In such a gigantic process, the loss of Rs. 30 lakhs incurred by the Jute Sales Society is nothing to my mind. Therefore, it is not fair to say that the movement or the Co-operative Jute Sales Society failed because the then Registrar was not a businessman. I maintain that he was a very good businessman also, but he was up against the monopoly of the jute magnates of Calcutta. Therefore, he could not succeed. Along with his business ability, if he had the backing of a party, who could keep the vested interests in their proper position, the movement would have succeeded. Even so, I say that if the movement had continued next year, it would not have failed. That is all I have to say about the Jute Sales Society.

We have heard a lot about the Registrar being an economist. But, Mr. Deputy Speaker, all the classical economists—Adam Smith, Ricardo and Taussig—cut no ice these days. They are being thrown into dustbins. New theories are in vogue and these old economists find no bearing to-day in this new world. We had heard so many things: State Socialism cannot function, and unless the capitalists are given the full initiative, no country can prosper; talks in which there is no sense, written in those books of economists, and the economists who pass from the Universities to-day will be naturally repeating those theories which have been exploded long ago. I can understand if it was said that a Marxian economist should be placed in the position of the Registrar. Yes, certainly, but I do not feel that this House will accept that view to-day. Therefore, to speak of economists does not convince me very much. One thing is necessary and one thing is certain, and that is that the Registrar must have faith in the movement. That is the first essential, and then economics will follow. This is a very bold statement to make, but I do make the statement that if a man has faith in the movement, he is bound to succeed. All the co-operators from Rochdele Raifflism downwards in Europe when they first propounded their theory were laughed at by the economists of those days, and though all these co-operators were laughed at and ridiculed, yet all the same their movement is still persisting and progressing. Therefore, Sir, the first condition that I would lay down is that the Registrar must be a sincere believer in the co-operative movement, and must have been associated intimately with the movement and must have built up and run co-operative organisations, so that he should have had inside knowledge prior to his appointment—and not that he will pick up knowledge when he is posted there. The second thing that is necessary is that he should have honesty. But honesty is not enough. If you are a believer in the capitalistic system and if you are functioning as a Registrar, you will naturally try to save something for your people. One can only function efficiently if the Co-operative Department if he does not believe in private property. I

can understand a man functioning in any other capacity being a capitalist or having a capitalist outlook. But a co-operator, if he has not the socialist outlook and if he does not believe that the days of private property are gone, will not be able to do the service that is expected of him. With these words, I support the amendment.

Mr. W. C. WORDSWORTH: Sir, if I oppose Dr. Sanyal's amendment, it is only because of a few words towards the end. I go with him a very long way. I think we should do whatever we can to help Government by this Bill to choose the very best man as Registrar whenever a Registrar has to be chosen. This is necessary not only as a general administrative requisite for the good of the department, but necessary also I think to protect the Minister himself, because in the future it is quite possible that when a Minister has to make an important appointment, he will be pressed by party interests, by political interests, and by sectional interests, and anything we can do to strengthen his resistance against these and to give him something of a free hand we should do. If we can agree on a formula to be put into this Bill, I think we should agree on it. And therefore——

Dr. NALINAKSHA SANYAL: Which words are objectionable?

Mr. W. C. WORDSWORTH: I am coming to that in one minute.

Sir, the suggestion in amendment No. 15, "that a person appointed .....shall hold such qualifications as may be prescribed," along with the note of dissent in the names of four or five members and along with most of Dr. Sanyal's amendment may give us the formula we wish. I do not know whether we can agree upon anything out of these and put them in rules or in by-laws or special regulations afterwards. The words that I am not able to agree with in Dr. Sanyal's amendment No. 14 is "either a distinguished economist." I know that that is the language of a distinguished student of co-operative credit, and it is the language that we use to one another, we intelligent people who easily understand one another. But in legislating we must use language that will be easily intelligible to a Bench; also we must use language that will constrain Government and keep it in the right path —we want language that is both easy for a Bench to construe and will impose something like a disciplinary effect on the Government. Now, what makes a distinguished economist? How can we define distinguished economist? How could a lawyer define if a Bench were to ask him? I do not understand why a distinguished economist is suggested. We want to see that our Registrar has such and such qualifications, but it is quite possible to find distinguished economists who have not any of these qualifications. I imagine if anyone here wrote down quickly the names of 20 distinguished economists that occur to his

mind, he would probably be forced to the conclusion that not more than one or two of them knew anything at all about the co-operative movement. Economists can become distinguished in their studies of international trade, by their studies of marginal utility, by their efforts in making economics a branch of psychology, in a hundred different ways. Very few, I think, have distinguished themselves by their studies and their abilities in the co-operative movement, and there is no guarantee in these words to show that in a distinguished economist we should get those qualifications that we hope for.

One last remark, Sir. I do not know how you can train a Registrar of the Co-operative Department, unless perhaps by giving him some special opportunities of going round and seeing what is being done before he takes over office. But here it is implied that no one shall be appointed Registrar unless he has a good record of administrative ability, and I assume that no Minister, no Government, will think of ever appointing a man as Registrar unless he is of proved administrative ability and has had ample opportunity of getting accustomed to village economics and the village point of view. (Dr. NALINAKSHA SANYAL: That is a matter of opinion.)

I should like to say about two more sentences. I do not agree with all that has been said in the survey of the history of this movement. I do not agree that things are as bad as some members have made out. And I do not agree that all our troubles date from 1933. On the contrary, I believe that during the last few years we have been working—I say "we", because I identify myself in some small measure with these days of the activities of co-operative credit institutions—I say that during the last few years everyone engaged in this work and, among them, especially our Minister and our Registrar, have been energetically trying to make good the mistakes that have been accumulated since the work began in 1911. (Dr. NALINAKSHA SANYAL: What about your own mistakes?)

May I appeal to you, Sir, for protection from these interruptions by Dr. Sanyal? If it is necessary to call me to order, it is your privilege, Sir, and not Dr. Sanyal's.

Mr. SPEAKER: I am prepared to offer a reward if someone can by some means stop his interruptions. (Laughter.)

Mr. W. C. WORDSWORTH: I will put my own point of view, and as I have explained I would agree to support amendment No. 15, and also No. 14, if it were not for those lines which, I think, are meaningless.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, these three amendments, namely, Nos. 12, 14 and 15, seek to suggest the qualifications that the Registrar should have and to ensure that the officer to be appointed as Registrar has been rightly chosen, this ought to be done through the intervention of the Provincial Public Service Commission. So far as the qualifications are concerned, Government are no less anxious than my honourable friends Dr. Sanyal and Mr. Satyapriya Banerji to find out the best officer available to undertake the responsibility of this office, as we seek not only to rehabilitate the movement, but we also aspire that this movement in the near future may be able to serve the best interests of the masses of this province.

Sir, it has been said by Dr. Sanyal while he quotes no less than six different authorities beginning with Calvert and ending with the Royal Agricultural Commission as to what these abstract qualifications of the Registrar ought to be. If it were possible for Dr. Sanyal or for any of the authorities which he has been good enough to quote to lay down a maxim which may very well be put in this Bill, no one would have been happier than myself to agree to that suggestion at once. But, Sir, having examined all these things, it is my misfortune that I do not find any maxim of this nature which would apply to the office of the Registrar who is to take charge of the Co-operative Department of the province. Sir, he has quoted Professor Sadeque of the Islamia College as well Sir, I was wondering as to whether a common formula could be devised on a comprehensive scale to meet all these different ideas I am entirely at one with the views expressed by six of my honourable friends who lent me their services as members of the Select Committee (Rai HARENDRA NATH CHAUDHURI: Lent you services?) that the Registrar should have administrative experience, should have a good record of administrative ability and should have sympathy with the people of the province, and so forth. But my friend Mr. Satyapriya Banerji knows very well as a member of the Select Committee that it was not possible to establish a common formula to be put in in the Bill which would suit all the different requirements. I hope the House will be good enough to realise this that Government are extremely anxious to have the services of the very best officer available for this purpose; and as it will be his primary duty to administer the Act, it will certainly be the duty of Government to find out who that officer will be. But while Dr. Sanyal suggests some qualifications in his amendment No. 14, Mr. Sibnath Banerjee is good enough to leave it to Government to prescribe those qualifications. Mr. Sibnath Banerjee says that he does not agree with Dr. Sanyal when he suggests that he should be an economist, but he adds that this officer should be one who must have faith in the co-operative movement, and he argues that the days of private property

ownership must be said to be gone. He did not actually use the word "socialism," but that might have been in his mind.

Mr. SIBNATH BANERJEE: I did use it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, you did not. These are the different things, Sir, that have been said, and I am sorry I am at a loss to find out what the common formula should be. (Dr. NALINAKSHA SANYAL: What about twelve?) I am coming to that immediately. Now, Sir, so far as the qualifications are concerned, I can assure the House that Government will certainly try to find the best officer for this office of Registrar. As regards consulting the Provincial Public Service Commission, I am sorry I do not see the force of this suggestion for it is not suggested that this appointment should be made on a dircet basis. If that were so, I could have understood the force of the suggestion that the Public Service Commission might be given a say in the matter. As he is to be already an officer of Government, either he must be chosen from among the general services which are under the control of the Home Department or he must be promoted from the department itself. Nobody knows what is going to happen in future. In either case if it is suggested that the Public Service Commission should be consulted, the position will be this. The records of all these officers will have to be placed before the Public Service Commission which, I submit, is impossible. If on the other hand, Government are called upon to do the preliminary survey and choose a few of these officers, the matter has to be left to Government and therefore it is unnecessary. I submit, therefore, that there is no force in the suggestion.

Mr. SPEAKER: Do you want a division on all the three amendments?

Dr. NALINAKSHA SANYAL: Yes, Sir, on each one separately.

Mr. SPEAKER: I suppose you don't want a division on amendment No. 14?

Dr. NALINAKSHA SANYAL: All right, Sir, if you do not like I won't press a division on amendment No. 14, but I want a division on amendments Nos. 12 and 15 independently.

The motion of Dr. Nalinaksha Sanyal that the following proviso be added to clause 9, namely,—"provided that no person shall be appointed as Registrar unless he has a good record of administrative ability, has had a sufficiently long experience of Bengal villages and

can freely talk and associate with the villagers, and is either a distinguished economist or has undergone a period of special training for the purpose," was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 9, line 1, after the word "may" the following words be inserted, namely "on the recommendation of the Provincial Public Service Commission," was then put and a division taken with the following results:—

AYES—59.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jenab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Masiruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—106.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Miah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdullah-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdul Rasshid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shahed, Maulvi Md.
Abdur Rous Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amiruddin, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuddin, Mr. M.
Asher Ali, Maulvi.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Mr. Asokul Chandra.

Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hossini, Mr. Shah Syed.
Griffiths, Mr. C.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibulla, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Manirudin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mukerjea, Mr. Tarak Nath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sahabe Alam, Mr. Syed.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Chowdhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 59 and the Noes 106, the motion was lost.

The motion of Mr. Satyapriya Banerjee that the following proviso be added to clause 9, namely,—"provided that a person appointed to be Registrar of Co-operative Societies for Bengal, and persons appointed to assist him, shall hold such qualifications as may be prescribed," was then put and a division taken with the following result:—

AYES—64.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramathanath Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Doloi, Mr. Narendra Nath.
Dutta Mazumdar, Mr. Nitharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.

Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jenab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kunde, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabad, Maulana Md.
Maqbul Hossain, Mr.
Mukerjea, Mr. Tarak Nath, M. B. E.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Sarada Prosanna.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Wordsworth, Mr. W. C.
Zaman, Mr. A. M. A.

NOES 104.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah.)
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahed Khan, Mr.
Abdulla-al Mahmood Mr.
Abdur Rahman Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Adidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Altab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminulla, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Azhar Ali, Maulvi.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Reza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hossini, Mr. Shah Syed.
Griffiths, Mr. G.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Morgan, Mr. G., C. I. E.
Mozammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A.M.L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sahabe Alam, Mr. Syed.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.

Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khandkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yusuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 64 and Noes 104, the motion was lost.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that the existing clause 9 be renumbered as sub-clause (*1*) of that clause and the following sub-clauses be added thereafter, namely:—

(*2*) The Provincial Government shall appoint an Advisory Committee, which shall consist of—

(*i*) one member duly elected by the Bengal Provincial Co-operative Bank at a meeting specially convened for the purpose in accordance with its bye-laws;

(*ii*) one member duly elected by the Bengal Co-operative Alliance at a meeting specially convened for the purpose in accordance with its bye-laws;

(*iii*) one member duly elected by the Central Banks in the manner prescribed;

(*iv*) one Co-operative expert appointed by the Provincial Government;

(*v*) one economic expert appointed alternately by the Universities of Calcutta and Dacca;

(*vi*) one member appointed by the Reserve Bank of India;

(*vii*) five members elected by the members of the Bengal Legislative Assembly by the method of single transferable vote; and

(*viii*) two members elected by the members of the Bengal Legislative Council by the method of single transferable vote.

(*3*) The term of office of, the procedure to be followed by, the quorum at a meeting of, and the manner of filling casual vacancies among, members of the Advisory Committee shall be such as may be prescribed.

(*4*) The duties of the Advisory Committee shall be:—

(*a*) to advise the Registrar on all matters of policy affecting the Co-operative movement, particularly when there is to be a departure from an accepted policy or when a new policy has to be laid down;

(*b*) to advise the Registrar in respect of matters referred to in sections 52(*c*), 53(*4*)(*c*);

(c) to advise the Registrar in regard to any matter relating to the Co-operative movement which may be referred to it by him from time to time;

(d) to advise the Provincial Government in respect of matters referred to in sections 8, 10, 33, 55; and

(e) to advise the Provincial Government in matters which may be referred to it by the Provincial Government from time to time.

I have, Mr. Deputy Speaker, at some length dwelt on the advisibility of the appointment of an advisory committee in my note of dissent. I have noted there "from the very inception it was the avowed intention of the Government to make the movement popular and self-dependent. The fact, however, is that the movement began as an official one and has been continuing as such and the official control, instead of having slackened, has largely increased and departmental interference instead of being diminished has been also on the increase and that in spite of the declaration of the Government and persistent insistence of non-official co-operators to de-officialise it."

In this connection I may also refer to the speech which the Hon'ble the Chief Minister delivered during the discussion of the Budget demand, 1940, wherein he said, "the movement should be entirely a people's movement Government should have as little to do with it as possible, but in course of time the movement became officialised and I regret that at the present moment it is over-officialised." In order that this over-officialisation may be given some check, in order that the intention of the Government with which they began the movement may be partially translated into action and may be given shape, I have proposed the constitution of an advisory committee. My object in doing so is not to set up a parallel organization in opposition to the Registrar, but a committee which is designed for the purpose of helping him, which is designed for the purpose of assisting him, which is designed for the purpose of furnishing him with the popular opinion which is absolutely essential for the successful development and progress of the movement. The McLagan Committee in their report said, "New means and methods to attain fresh ends must constantly be discussed and devised." May I ask the Hon'ble Minister in charge—discussed with whom? Discussed certainly not in a vacuum, discussed certainly not with the subordinate officers of the department who will more often than not ditto their chief, but discussed with those who really take an interest in the movement, discussed with those who have faith in this movement, with those who have a genuine love for the movement. And out of that discussion means will have to be devised.

That was the emphatic opinion of the McLagan Committee whose report is even now a classic document on Indian Co-operation. What I contemplate is not a committee for the purpose of administration, but a committee which is charged with the task of advising the Registrar and Government in the matter of formulation of measures and plans for the successful development of a genuine co-operative movement. Its further task will be to watch the execution of measures and schemes which are devised and accepted as the outcome of the discussions with the Registrar and the Government and which will be carried into action by the department. If this committee is really a well-planned, active and live organization—and there is no reason why it should not be so if my amendment is accepted, as I have tried to make the constitution of the committee as popular and as representative of the wishes of the people as it can be—I am sure there is no reason why it should not prove to be an effective agency in guiding the movement in the right direction and achieving the results expected of it. Sir, this suggestion is not new. It has been the opinion, as I have already noted in my Note of Dissent, of the Recess Committee on the establishment of a Department of Agriculture and Industries for Ireland in 1896. I do not know if the Hon'ble the Minister in charge has ever heard of this committee and its report. It has been also recommended by the Mysore Committee on Co-operation of 1936. It has also the support of Mr. Mudaliar, an ex-Joint Registrar of Madras, who was the officer in charge for conducting an inquiry into the condition of the co-operative movement in Orissa and reporting on it, and this is also the opinion of the ex-Finance Minister of Bengal, Mr. Nalini Ranjan Sarker, who in his excellent note on the Problem of Rural Credit has suggested the constitution of a Central Advisory Board. Lastly, Sir, I may refer to the opinion of the Madras Committee on Co-operation which has finished its labours, an opinion which deserves consideration of all right-thinking men and which has very kindly been sent to me by the Hon'ble Mr. Ramdas Pantalu, a prominent member of the committee. From that I find that they have also accepted the provision of a standing committee and another advisory committee, which go to show that the constitution of an advisory committee has been accepted as a principle everywhere, and I hope the Hon'ble Minister in charge will see his way to accept it in principle and to accept the amendment as I have put it before the House. If the Government, or, for the matter of that, the Minister in charge is really anxious to develop the movement on sound co-operative lines, if he really means to do any good to those ill-fed, ill-housed, ill-clothed millions of the people of this province through co-operation, let him know what the feeling of non-official co-operators is. Let him know what they think to be the right line in which the movement has got to be directed. Let him know what they wish the movement to be, and then let him through his department carry out those wishes. I am sure that if this is done, the

whole object of the movement will be achieved and the movement itself will have served its purpose.

With these words, Sir, I commend my amendment to the acceptance of the House.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry I have to oppose this amendment. Sir, my friend Mr. Satyapriya Banerjee asks if the Government, or, for the matter of that, the Minister in charge of the department, is anxious to develop the movement on sound lines based on popular approval, he would be good enough to accept his suggestion. Sir, I can only assure him that the Government are extremely anxious to see that the movement is not only developed but that it functions properly to meet the requirements of those for whom it is intended. But I am sorry I cannot see eye to eye with him with regard to the remedy he has suggested, namely, that a committee of this nature will be able to work wonders overnight by which whatever defects have been found in the movement so far, will be remedied and nothing will be left for rectification and that every one of us will be extremely happy.

Now, Sir, so far as this amendment is concerned, it relates to two particular matters. The first part of it has reference to the constitution of a committee and the second part of it suggests what the duties of such a committee, if set up, will be. Sir, I will not go into details, but I will only show this that so far as No. (*iii*) of sub-clause (*2*) of his amendment is concerned, the suggestion is made that one member is to be duly elected by the Central Banks in the manner prescribed. Sir, nothing is more impossible than a task of this nature where it is designed that the 120 Central Banks functioning in the province will meet together for a purpose of this nature. As I have said if I have time enough I would have shown by an analysis of each one of these items that the task is an impossible one.

With regard to the duties, my friend Mr. Banerjee has quoted his own note of dissent appended to the report of the Select Committee to show that a committee of this nature has the support of various authorities. If that were so, we should have expected some of the provinces of India to accept a suggestion of this nature. But, so far as I know, none of the provinces have done so. On the contrary, Sir, if a committee of this nature were set up, it would only act as an interference with the normal activities of the department. My friend Mr. Banerjee asks with whom we are going to have discussions. We must have some agencies with whom we must have discussions as to how the movement should be conducted. If I may remind him, there are the Central Banks, there is the Provincial Bank, there is the Provincial Legislature and there are occasional conferences where discussions are held as to what the defects are and how to remove them and also

the lines along which the movement should be conducted. In that view of that matter, I do not see any justification for accepting a proposition of this nature. I will not tire the House with a longer speech and with these words, I oppose the amendment.

The motion of Mr. Satyapriya Banerjee that the existing clause 9 be renumbered as sub-clause (*1*) of that clause and the following sub-clauses be added thereafter, namely:—

(*2*) The Provincial Government shall appoint an Advisory Committee, which shall consist of—

(*i*) one member duly elected by the Bengal Provincial Co-operative Bank at a meeting specially convened for the purpose in accordance with its bye-laws;

(*ii*) one member duly elected by the Bengal Co-operative Alliance at a meeting specially convened for the purpose in accordance with its bye-laws;

(*iii*) one member duly elected by the Central Banks in the manner prescribed;

(*iv*) one Co-operative expert appointed by the Provincial Government;

(*v*) one economic expert appointed alternately by the Universities of Calcutta and Dacca;

(*vi*) one member appointed by the Reserve Bank of India;

(*vii*) five members elected by the members of the Bengal Legislative Assembly by the method of single transferable vote; and

(*viii*) two members elected by the members of the Bengal Legislative Council by the method of single transferable vote.

(*3*) The term of office of, the procedure to be followed by, the quorum at a meeting of, and the manner of filling casual vacancies among, members of the Advisory Committee shall be such as may be prescribed.

(*4*) The duties of the Advisory Committee shall be:—

(*a*) to advise the Registrar on all matters of policy affecting the Co-operative movement, particularly when there is to be a departure from an accepted policy or when a new policy has to be laid down;

(*b*) to advise the Registrar in respect of matters referred to in sections 52(*c*), 53(*4*)(*c*);

(*c*) to advise the Registrar in regard to any matter relating to the Co-operative movement which may be referred to it by him from time to time;

(*d*) to advise the Provincial Government in respect of matters referred to in sections 8, 10, 33, 55; and

(*e*) to advise the Provincial Government in matters which may be referred to it by the Provincial Government from time to time.

was then put and lost.

The question that clause 9 stand part of the Bill was then put and agreed to.

(At this stage, the House was adjourned for 20 minutes.)

(After adjournment.)

Clause 11.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 11, lines 1-2, the words "and of any rules" be omitted.

I also beg to move that after clause 11, the following new clause be inserted, namely :—

"(*11.1*) A Society shall be deemed to promote the common economic interests of its members in accordance with co-operative principles if its membership is open to all having such common economic interest, if the members have an equal voice in its management, make approximately equal contributions to its capital and business and derive proportional services and benefits."

Sir, my object in deleting the words "and of any rules" is to take away from Government, the power of interfering with the autonomy of the societies, the very foundation of the whole thing. Clause 11 says, "subject to the provisions of this Act and of any Rules." We do not know what these rules will be and these rules also will not be subject, as it now stands, to the approval of the Legislature, but they will be simply the fiat of the executive Government and as such, in a matter which is very vital to a society I would propose the deletion of the words "and of any rules." I would remind the House that the Committee on Ministers' powers of 1932 distinctly lays down that "the system of delegated legislation, namely, legislation by rules is both legitimate and constitutionally desirable for certain purposes within certain limits, and under certain safeguards." And I do not know if, at all, these limits and these purposes and these safeguards will be properly looked into. Sir, next in importance to clause 9—I may even add equally important as clause 9—is this clause. If the Registrar's appointment is important, so also is the registration of a society under this clause none the less important, I may even add that it is more important because the Registrar exists for the society and not the society for the Registrar. I may refer——

Mr. SPEAKER: Mr. Banerjee, so far as amendment No. 21 is concerned, don't you think that it is an expression of opinion? You say—"A society shall be deemed to promote the common economic interests," etc.

Mr. SATYAPRIYA BANERJEE: No, Sir, it is not an opinion. It is the universally accepted definition of a co-operative society. The Act suffers under a very great defect on account of the absence of such definition. However, I will come to that later on.

In the clause there is reference to "division" and "amalgamation." I suppose the Hon'ble Minister in charge has in view only rules to be framed for the purpose of amalgamation or division, but even then I would submit to him that these are very important matters and should be incorporated in the Act itself and not left to be decided by rules. Let him frame certain clauses by following the lines adopted in the Madras Act along with the proposed amendments recommended by the Madras Committee on Co-operation. In this connection I would refer to the Registrar's note on the draft Bill of 1936, page 41 of the Yellow Book, which was circulated to us in the Select Committee. There he says: "With a view to improving the condition of societies, it is necessary to split up unwieldy societies into workable units as also to amalgamate two or more societies which have been languishing for want of scope of further expansion. There was no statutory provision in the Act or in the rules indicating the procedure in the matter particularly in regard to the adjustment of funds. These new clauses have accordingly been adopted from the Madras Act, 1932, which appear to be suitable." But somehow or other for reasons best known to the Minister and the Registrar they have found it advisable to go back upon their former recommendations and come before us with this clause for acceptance.

Mr. SPEAKER: Well, I understand it now.

Mr. SATYAPRIYA BANERJEE: Therefore, my submission to the Hon'ble Minister is to look up the Madras Act, particularly the sections relating to amalgamation and division and insert them in this Bill and if that is done, the provision of these rules will be redundant.

Mr. I. C. KENNEDY: Sir, I beg to move that after clause 11(*2*) the following new sub-clause be added, namely:—

"(*3*) No society, other than a society of which any member is a co-operative society, shall be registered under this Act which does not consist of at least 10 persons above the age of 18 years and, where the objects of the society include the creation of funds to be lent to its

members, unless such persons reside in the same town or village or in the same group of villages."

This amendment, Sir, seeks to incorporate in the Bill the minimum membership provisions of the 1912 Act.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as amendments Nos. 20 and 21 moved by my honourable friend Mr. Satyapriya Banerjee are concerned, I am sorry to say that he is perhaps labouring under some misapprehension. It will be impertinent on my part if I were to tell the House that an Act of this nature cannot be comprehensive and therefore we have got to settle the details in the rules to be framed under the Act for the purpose of carrying out the objects of the Act. Therefore, Sir, it follows that the details have got to be laid down in the rules and not omitted if Government were to act within the power that they will have under this Act.

Amendment No. 21 seeks to define the words "common economic interests."

Mr. SATYAPRIYA BANERJEE: I have not said anything about it yet.

Mr. SPEAKER: I thought that you had finished already.

Mr. SATYAPRIYA BANERJEE: No, Sir.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Banerjee referred me to the Madras Act of 1932. I have in my hand the Madras Act of 1932 where in section 4 they say: "A Society which has as its object the promotion of common economic interest in accordance with co-operative principles....." should be registered.

Mr. SATYAPRIYA BANERJEE: I referred to the Madras Act only for the deletion of the rules.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as this question is concerned, Sir, I submit with all respect to the House that if we were to accept the amendment of Mr. Banerjee, the formation of societies will certainly be restricted, and it will introduce academic controversies in the movement itself. I have, therefore, to oppose both the amendments moved by Mr. Satyapriya Banerjee.

With regard to the amendment moved by Mr. Kennedy, I can only assure him that his idea is exactly what we have in view. We shall certainly have adult persons and we shall have a sufficient number to be grouped together to form a society. I hope he will see the difficulty

that we cannot have a provision of this nature in the Act, but all these details about formation of a society will certainly appear in the rules, and I would request him to accept this assurance of mine and be good enough to withdraw his amendment.

Mr. I. G. KENNEDY: Sir, in view of the assurance of the Hon'ble Minister, I beg leave to withdraw my amendment.

The motion of Mr. I. G. Kennedy that after clause 11 (*2*) the following new sub-clause be added, namely—

"(*3*) No society, other than a society of which any member is a co-operative society, shall be registered under this Act which does not consist of at least 10 persons above the age of 18 years and, where the objects of the society include the creation of funds to be lent to its members, unless such persons reside in the same town or village or in the same group of villages,"

was then by leave of the House withdrawn.

Mr. SATYAPRIYA BANERJEE: Sir, may I now speak on amendment No. 21?

Mr. SPEAKER: Well, if you wish to. I thought you had finished speaking on it.

Mr. SATYAPRIYA BANERJEE: No, no, Sir. It is very strange and peculiar that a co-operative society has not been defined in a Bill which is styled the Co-operative Societies Bill. A co-operative society has been defined as a "society registered or deemed to be registered under this Act." According to clause 11—"a society which has as its object the promotion of the common economic interests of its members in accordance with co-operative principles" may be registered under this Act. It amounts to this, that a co-operative society is one which acts in accordance with co-operative principles. And what are those co-operative principles? The Act is silent and leaves it entirely to the sweet will of the Registrar. I could imagine that at the beginning of the movement it was not possible to define "co-operation," but after 35 years it is certainly possible to define what co-operative principles are. I am quoting from the opinion which we received from the late Registrar of Co-operative Societies, Rai Sushil Kumar Ganguly Bahadur. It reads as follows:—

"Whatever justification there might have been at the outset in the absence of sufficient experience regarding co-operative societies in India to indicate no more than a few general outlines and to leave it to

selected officials to study the movement in other countries and to adapt to local conditions the essential principles of co-operation, there is hardly any such justification now in view of the ample experience which has since been acquired in India and abroad and the voluminous literature on all aspects of co-operation which has since been published."

I shall now quote from the "Digest of Co-operative Law at Home and Abroad" by Margaret Digby of the Horace Plunkett Foundation, the well-known centre of information on co-operative movement throughout the world. There it is stated that "a co-operative society may be described in general terms as an association with economic aims formed by and freely open to persons having needs in common who have an equal voice in its management, make approximately equal contributions to its capital and business and derive proportional services and benefits." Sir, these words I have exactly quoted in my amendment, and I think the Hon'ble Minister in charge will have no difficulty in defining what co-operative principles are and accepting the universally accepted definition of these co-operative principles.

With these words, Sir, I commend my motion to the acceptance of the House.

The motion of Mr. Satyapriya Banerjee that in clause 11, lines 1-2, the words "and of any rules" be omitted, was then put and lost.

The motion of Mr. Satyapriya Banerjee that after clause 11, the following new clause be inserted, namely,—

> "(*11A*) A society shall be deemed to promote the common economic interests of its members in accordance with co-operative principles if its membership is open to all having such common economic interests, if the members have an equal voice in its management, make approximately equal contributions to its capital and business and derive proportional services and benefits."

was then put and lost.

The question that clause 11 stand part of the Bill, was then put and agreed to.

Clause 12.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in clause 12, in line 1, before the word "unless" at the beginning, the following words be inserted, namely :—

> "A society may be registered either with limited or with unlimited liability as the members may desire, provided that".

Sir, I do not pretend to have any expert knowledge on this subject. I would be simply stupefied if the Hon'ble Minister in reply would come forward with the philosophy of co-operation, its economic implications and its political bearings. Sir, as a layman, I understand that these societies are self-governing institutions and they must have the option to choose between limited liability and unlimited liability. Sir, the existing conditions of the societies as we find are that for the default of one, innocent members are punished. By way of illustration, I should like to suggest that A is a member and at the same time a borrower and unfortunately he is also a defaulter. B is a member but neither is he a borrower nor is he a defaulter. But, Sir, under the existing circumstances, the holding, the property including the bullocks, seeds and everything of that innocent member B is at stake. Sir, so far as I know, even the societies have not the option—the power—to liquidate or to wind up their business if they so choose. So, Sir, I have suggested that these societies must have the option to choose whether their business, their concerns, their co-operative societies should be limited or unlimited. Sir, in all fairness they should be limited concerns. But, Sir, I have not suggested that at all. I have left it entirely to the option of the members of the societies. (Rai HARENDRA NATH CHAUDHURI: How is that freedom taken away?) By section 12. My amendment gives the power to the society as to whether it would be a limited or unlimited concern.

Sir, with these words I commend my motion to the acceptance of the House.

Mr. SPEAKER: Mr. Hashemy, will you move your amendment No. 26?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir. I beg to move that clause 12(*a*) (*ii*) be omitted.

Mr. SPEAKER: Mr. Banerjee, are you moving your amendments Nos. 24 and 27?

Mr. SATYAPRIYA BANERJEE: Yes, Sir.

Sir, I beg to move that clause 12(*a*) be omitted.

Sir, I also beg to move that the following provisos be added to clause 12, namely:—

"Provided that the liability of a society whose objects include the creation of funds to be lent to its members and of which the majority of members are agriculturists may, at the option of its members, be limited or unlimited.

Provided, further, that in the case of limited liability societies, no share shall be withdrawable except in accordance with the by-laws."

Sir, this clause is the foundation on which the whole superstructure of the Bill rests and on the proper decision arrived at by the House with regard to this clause will depend also the future of the co-operative societies and along with it of the movement and the people. The clause, as it stands, does not leave any option to the members as to the liability they have to meet if the society goes into liquidation. All rural societies will have to be registered as unlimited liability societies and as such the liability will be unlimited whether they like it or not.

Sir, the history of the movement has been a chequered one and one tries in vain to make a correct estimate of the effects of unlimited liability on it. The only authoritative opinion on the results of unlimited liability is the opinion of the McLagan Committee which says that from the inception of the movement till the writing of the Report only fourteen societies in Bengal were liquidated, and on the study of these results they came to the conclusion that unlimited liability societies are the best for the rural people and that the apprehension that it will keep away the solvent agriculturists is unfounded. As I have said in my note of dissent, let me read out the relevant portion of it:—

"The foregoing opinion of the McLagan Committee cannot be accepted at its face value, because during the course of the first ten years the effects of unlimited liability could not have been studied in its proper perspective, as only 14 societies had been dissolved and liquidated during the above period. Since then—I mean since the writing of the Report of the McLagan Committee—however, we do not get any reference as to the effect of the working of the principle of unlimited liability on the members of co-operative societies in the annual reports, although quite a large number of these societies go into liquidation every year and, as a consequence, unlimited liability must have come into play. Obviously its application in any given case must result in loss and often in great misery to, and ruin of, the members for whose benefit the societies were formed, besides shaking the confidence in the movement over a considerable area."

I am sure the Hon'ble Minister does not want the confidence of the rural people to be shaken in the movement. Then my note of dissent goes on further:—

"If it is contended.....that unlimited liability has not been or will not be enforced, it must be admitted that it has been a dangerous sham and that a fraud has been perpetrated on the creditors in that it has served to create a false sense of security in them."

A sense of security is created in the depositors by saying that your money is safe and secure, and unlimited liability will be applied in

case of liquidation. But at long last we find that the enforcement of unlimited liability is a mere hoax and bluff and the creditor's fate under the circumstances can best be imagined than described.

Not only that. "The present Registrar in his scheme of rehabilitation of the co-operative movement has indicated the danger of serious agrarian troubles to which the realisation of assets of societies may lead. In either case, therefore, unlimited liability has no justification." Here let me give the opinion of the Madras Committee on Co-operation presided over by Sir T. Vijayaraghava Achariar. That committee consisted of 21 members of leading co-operators of the province of Madras. Out of this 21, 15 were definitely in favour of limited liability and the minority of six was in favour of unlimited liability. Even those six say that in view of the weight of the opinion of the majority they do not (I mean the minority) wish to prevent experimentation in this matter. Taking into consideration all aspects of the question they are strongly of the opinion that the requirements of the situation can be met if in future societies are formed on the basis of limited or unlimited liability according as the opinions in the particular areas in which the societies are to be formed demand, and this is exactly what is provided for in my amendment, if it is accepted. The majority could not agree even to this demand which, if accepted by the majority, would make the report unanimous. The majority, however, came to the conclusion after mature consideration that unlimited liability has outlived its period of utility on the following grounds Firstly, insistence on such a principle would keep away from the new societies those very classes whose help and co-operation would be indispensable. These words were uttered by the late Gopal Krishna Gokhale during the discussion of the passage of the Bill in the Imperial Legislative Council in 1903 and this is as true to-day as it was when those words were uttered. Secondly, "there has been a large number of liquidation of societies and the enforcement of unlimited liability to make up deficits in the assets of the societies to pay off creditors has caused hardship to the members some of whom are either non-borrowers or non-defaulters and caused apprehension in the minds of the rural classes and brought the movement to general disrepute." I know of a case in Bengal and there may be many more similar cases in which a non-borrower, not to speak of a non-defaulter, was made to pay the entire amount. Thirdly, "unlimited liability has kept away solvent and better class of agriculturists whose sympathies and material and moral help, if secured, would contribute to the efficient management of societies." Fourthly, "unlimited liability," as we often see, "does not imply that persons having joined the society cannot alienate their properties as long as they continue to be members thereof." This Bill does to a certain extent control alienation, but does not altogether prevent people from alienating their properties. "It is efficient management,"

they say fifthly, "rather than unlimited liability that induces confidence among financing banks and depositors." Sixthly, "unlimited liability is based on the fundamental idea of the members of the village society possessing mutual knowledge of each other's affairs and exercising some control over their fellow-members in matters of their borrowing and punctual repayment of loans. But these assumptions, they regret, are not the realities of village life to-day." Seventhly, "the weight of evidence they have received on this question from co-oprators and co-operative institutions is definitely in favour of a change from the unlimited to limited liability." I do not know if the Hon'ble Minister in charge has invited opinion, so far as I know he has not, especially on this point from co-operators and from co-operative institutions throughout the province. Lastly, though union of persons and not of capital is the basic principle of co-operation, though personal credit on an unlimited liability basis has been all along considered to be the chief characteristic of unlimited liability credit society, in actual practice we find that loans have been gradually made to rest more and more on material caution in the shape of security of immovable property and that in recent years (this is applicable to Madras only and I think that is the case also in Bengal) the proportion of mortgaged loans in village societies has shown a steady rise. Having all these considerations in view and after a careful consideration of all aspects of the matter, they go further than what I propose in my amendment: "the majority of us recommend that the liability of a village credit society should normally be limited, but if, in the opinion of the Registrar, having regard to local opinion and other circumstances, unlimited liability is more suitable for any society, its liability may be unlimited." They say limited liability should be the rule and unlimited liability should be the exception, whereas in our province, the persons to whose care and keeping the destiny of the movement has been committed insist on the continuance of unlimited liability. They do not care to know what the co-operators,—I mean the independent non-official co-operators—feel about it. They do not care to know what other provinces are doing, thinking, and feeling about it. I would only refer them to the words in the Report of the Floud Commission. Even they have said, limited liability has been the tendency in Europe nowadays and also in some provinces here, while in our province unlimited liability has been retained. Further, may I remind the House in this connection that at the last Conference of Registrars in Delhi in December, 1939, opinion was equally divided on the point and it was decided that scope should be given for experiments by agricultural credit societies with limited liability. I am afraid, Sir, that my voice will be a voice in the wilderness. From the experience we have got on the floor of this House in the past and from the experience we have to-day, I know it is no use crying. I confess I cannot give the Minister the reason and common-sense in which he lacks so much, but

I can submit to him, I can appeal to him, in the interest of the movement with all the earnestness that I can command to accept this very useful amendment of mine and place the movement on a sound and secure foundation, so that the end which we all have in view may not be frustrated by insisting on that antiquated and exploded principle of unlimited liability, as it is done in the Bill. I shall not dilate on the experiences of other countries. I have dwelt on this subject at length in my note of dissent which, I hope, all of you have read. If before going to vote you could find time to read that note of dissent once again, I think you would certainly bear me out and cast your vote in favour of my amendment which says that the members should be given the option to determine the liability to which they will be subjected in case of liquidation of societies.

As to the withdrawability of shares, I would only like to refer to the opinion of Mr. Calvert, whose name I am sure will carry weight to the Hon'ble Minister in charge. He says, "The right to withdraw is a very valuable check on carelessness and rashness, but at the same time precautions must be taken to prevent such a wholesale withdrawal of members as would leave the creditors of the society without adequate security. These precautions must be set out in the by-laws." Sir, this is exactly what is actually done now and this is precisely what is demanded by my amendments. With these words I commend my motion to the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: I beg to move that for clause 12 the following be substituted, namely:—

"12 unless the Provincial Government by general or special order otherwise directs, a society shall be registered under this Act—

(*a*) with limited or unlimited liability as the members desire if its objects include the creation of funds to be lent to its members and if (*i*) it has any withdrawable share capital, or (*ii*) the majority of the members are agriculturists, and no member is a co-operative society,

(*b*) with limited liability if any member is a co-operative society provided that in the case of limited liability societies, no share shall be withdrawable except in accordance with the by-laws."

Mr. Speaker, Sir, what I want to say has been said by my friend Mr. Satyapriya Banerjee, and it is useless to repeat the arguments that have been advanced by my friend. I shall only refer to one clause of this Act. Clause 43 of the Bill lays down that, subject to the provisions of this Act and of the rules, a co-operative society with the previous approval of the Registrar may by a resolution passed at the general

meeting change its form of liability. By clause 43, after the incorporation of a society, the form of liability may be changed by a resolution passed at the general meeting; it is left to the option of the members that they have got the right to change the nature of the liability. If, Sir, option has at all to be given to the members by clause 43, then it should be given at the time of the inception of the society. Enough has been said by my friend Mr. Satyapriya Banerjee and he has referred to the authorities but, Sir, it is now an accepted theory that unlimited liability may be an ideal thing, but the present tendency in all the countries of the world is to substitute limited liability for unlimited liability. It is due to the experience of the working of the Act itself. It is impossible to believe that the persons who become members of a society at different times will agree to accept unlimited liability: the objects of the loans are not the same. The success of the movement is dependent on the confidence of the members. The confidence of the members is shaken by the fact that by unlimited liability they run the risk of making payments twice or thrice, although they do not make any default, if some of the members are defaulters, and I am quite sure that if at the present moment liability is limited, the societies will grow in number and the co-operative movement will flourish. If on the contrary the liability be unlimited, I am quite sure that the movement will suffer to a great extent. We should not hold conservative views. We should look to experience and having had the experience of the last 35 years we ought to have the courage to change the system, and if we do not change it having regard to that experience we must suffer.

With these words, Sir, I move the amendment that stands in my name.

Mr. SIBNATH BANERJEE: Sir, I would like to say just a few words with your permission. As I have been repeating over and over again, almost *ad nauseam*, the co-operative movement here is always thinking of the credit side and because of that this emphasis on unlimited liability comes in. If the originator of the Bill or those who are bringing it here had this idea which I have been trying to impress upon them, that unless the co-operative movement tries to chalk out a new programme and goes out into a different channel of production and distribution, then the movement is bound to be a failure and it seems that Government has not yet become fully conscious of this aspect of the question, and that is why they are insisting that the societies should be unlimited liability societies. Of course, I see that provision has been made here for new societies. For instance, multi-purpose societies, one of the objects of which is to lend money but it has also other objects like marketing of products, increasing production and so on—, but because one of its objects is to lend money,

therefore their liability must be unlimited; and on account of this provision the whole purpose of the Bill is going to be frustrated. Similarly, if we have consumers' societies, stores or industrial societies, these will be bound to help members when there is any urgent necessity for them to take loans and because of that these societies are going to be, according to the Minister in charge of the Bill, unlimited liability societies. I think, Sir, that it is absolutely wrong to place so much emphasis on unlimited liability. If the emphasis was on the right side, that is if the emphasis was on the formation of, producers' societies, consumers' societies or distributors' societies, then it would be absolutely ridiculous to suggest that these societies should have unlimited liability. Of course, it is not convenient to have a society for each individual purpose and therefore multi-purpose societies have been evolved. Sir, much can be said in favour of these societies, but if at the same time it is insisted upon that these should be of unlimited liability, then it would be idle to expect anything good coming out of the multi-purpose societies or industrial societies; they are all doomed to failure, because there are very few men who would like to be associated with societies with an unlimited liability of this type. Of course, in villages where agriculturists are concerned one can argue that unlimited liability may be useful and from the experience of so many years we find that rich peasants are not scared away when they want loans because they can take loans only on the basis of collective security and that is unlimited liability, but if we want to develop the co-operative societies on the right lines, then I may again emphatically state here that by laying stress on the credit side you are laying emphasis on the wrong side. The movement has been developed only too much on that side already and now has come the time to extricate the movement from that groove and divert it into a different channel of production and distribution.

Dr. SURESH CHANDRA BANERJEE: May I just speak for a few minutes, Sir? Sir, there is a fundamental difference in outlook as regards how the co-operative movement should be developed in Bengal. We on this side expressed our opinion frankly at the time of the general discussion on the Bill. The question is: What should be our general attitude—whether we should centralise all power in the hands of Government or in the hands of one person or whether we should believe in the latent capacity of the people and try to develop that capacity—whether we should believe in Dictatorship and Fascism or whether we should believe in Democracy? If we believe in Democracy, we should then have faith in the power of the people. People may in the initial stages commit mistakes, but, Sir, it is only through the commission of such mistakes that it is possible for the development of Democracy in the country. But the fundamental principle underlying the Bill has been an absolute lack of faith in the capacity of the

people and the tendency to concentrate all power in the hands of Government and in the hands of the Registrar, and this will result in only strengthening the hands of Government. We have been trying ever since 1912 to work on three principles, and these are: (1) co-operative village societies with unlimited liability, (2) Registrar with unlimited power, and then (3) an Audit Department under his absolute control. We have failed and we have failed miserably. No one can deny that. I have said before, and I say it again, that we have failed because we do not want to develop the co-operative movement on proper lines. If the present Government wants to develop it on proper lines, it can do it—because it has got the power, the votes, behind it. Whether the Government will with that power do good to the people or not depends on it. Now as it has got the power it has got to decide whether it wants to develop the real co-operative movement or something like State Banks absolutely under its control and under its thumb. On this only depends the nature of the movement. We on our side believe in Democracy, believe in the capacity of the people to manage their own affairs Therefore, we do say, Sir, change the nature of the movement altogether and this can be done by only doing one thing, that is by changing the nature of the primary societies, because on these the whole structure of the co-operative movement depends. If we believe in the capacity of our people, then we should automatically tend to give some power to them, Sir, the Bill was drafted with village societies with unlimited power in the year 1912. At that time, practically speaking, there were no important banks in Bengal. Banks were practically then non-existent in Bengal. Ever since that time many banks all over Bengal, some in towns and some in villages, have developed and these banks are run as a rule with limited responsibility. If they could manage these banks—and some of these banks manage lakhs and lakhs of rupees—there is no reason why small co-operative societies with limited responsibility should not develop. Sir, I do not want to waste much time of the House as much has been said on the matter by my esteemed friends who have spoken already, but I do impress one point upon the Minister—"have faith in the people, give them a chance and this chance which is due to them they have never got."

Mr. SANTOSH KUMAR BASU: May I enquire whether the House will adjourn after this amendment?

Mr. SPEAKER: Yes.

Mr. W. C. WORDSWORTH: Shall I be permitted to speak after the Minister has moved his amendments?

Mr. SPEAKER: Yes.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 12, line 2, for the word "no" the word "a" be substituted.

Sir, I beg to move that in clause 12, in line 2, after the word "shall," the word "not" be inserted.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, we look to the Minister for an exposition of the technicalities of this difficult clause, but I should like to say a few words about liability, with special reference to unlimited liability. We may agree that the difference between the two for our purpose is very largely a difference of practical convenience and that there are no great fundamental differences in principle. But I wish to ask the House to consider the advisability, the necessity, of insisting now and always that for village societies, small societies of people who live simple lives and know one another, the liability shall always be unlimited. There are reasons for this, reasons of principle, reasons of experience. The movement everywhere has been built up on unlimited liability. As experience grows in some countries there is a change, welcomed by authority and by the public, from unlimited liability to limited liability. But where you are dealing with small groups of people, who, as I say, live simple lives, have little education and a narrow outlook, one defence and one support of co-operative credit must be unlimited liability depending upon what they know of one another. For, co-operative societies are often ruined by the black sheep who get in, the men who are extravagant, the men who do not handle money wisely, the men who say one thing and afterwards do another. In villages—I do not profess to know very much of villages in Bengal, but I do say I know quite a lot about villages in England, and I think there is no great difference in their outlook—the one characteristic of a village is that everybody knows what everybody else is doing. In a village if a man or woman does anything good, everyone else in the village knows about it in ten minutes. If a man or woman does anything bad, everyone else knows everything about it in two minutes. It may be a narrow point of view, but it is the village point of view; you cannot avoid it. I do not think we should want to escape it, because it is useful for many things. In towns we get indifferent to one another. We say: "Am I my brother's keeper?" But in the village everybody is everybody else's keeper, and everybody knows who is a reliable man to bring into a co-operative society and who is not. It is on this interest of villager in village that the movement everywhere has been based and developed, and in some countries of Europe even to-day despite all developments, unlimited liability is insisted on for almost every kind of institution. I remember reading in a Bihar report the story of a member of a society who was suspected of an intention to leave the village quietly and get away without paying his dues. The village waited, the members

of the co-operative society waited, until one day when they knew he had received some money for his produce which he had sold. Then the villagers surrounded his house at night and explained to him that in the morning they would tear his house down if he did not pay his dues to the society. That is unlimited liability working to perfection; and it is the principle, the attitude, of mind upon which village societies must depend for their help. We hear again and again references to stagnation in the movement. I do not wish to take up any time in saying what is happening, but I would ask members to try and find out how many hundreds of new societies in the rural districts of Bengal are being established and have been established in the last few months. The societies are not so stagnant, the movement is not so lacking in movement, as some critics make out. That is all I wish to say. There is strong argument and strong reason for insisting that liability of small societies shall be unlimited, but in towns, amongst people who are scattered over a larger area of the country, among people who are educated, have experience of business and a wider and more sophisticated point of view, the liability should be what they like. I suppose they will, in ninety-nine cases out of a hundred choose limited liability.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as the five amendments, namely, two moved by Mr. Jalaluddin Hashemy, two moved by Mr. Satyapriya Banerjee and one by Mr. Dhirendra Nath Datta are concerned, they seek to suggest that it will be left to the discretion of members forming themselves into co-operative societies in the interior whether they should have their liability on a limited basis or on an unlimited basis. As I explained to the House the other day while opposing the motion for recommittal, I submitted, Sir, that it would be disastrous to leave such a vital matter to the option of members while forming themselves into co-operative societies just to suit their pleasure. Sir, as has been explained by Mr. Wordsworth, I do not think it is necessary for me to dilate upon it; but if it were necessary, I could only tell the House about my own impression, namely, that if it were left to the members to exercise that option they will soon find themselves without any funds and no financing bank will give them a single pie to help them out of their own difficulty. It has been said by Mr. Satyapriya Banerjee that in order to generate a sense of security in the depositors it is necessary that the liabilities should be of a limited character. It is just that point, which I wanted to impress upon the House, that led us to have it specifically mentioned in the Bill that the liabilities of a society of this character for the purposes of ensuring credit must be of an unlimited character. Then, Sir, as has been pointed out by my friend, Mr. Datta, there is ample provision in the Bill which will give enough power to Government to exempt any society or class of societies from the operation of this Bill.

Clause 8 is one, and my friend Mr. Datta has referred to sub-clause (*1*) of clause 43. I submit, therefore, that there is no ground for apprehension that any of the societies will have any difficulty to function properly if it were to form on this basis. On the contrary, Sir, it will be to their advantage.

I do not think I have got anything further to say than to oppose all the five amendments. At the same time, I commend two of my own amendments to make the expression of a positive character.

Mr. SPEAKER: You seem to add too many negatives to make a thing positive. (Laughter.)

The motion of Mr. Syed Jalaluddin Hashemy that in clause 12, in line 1, before the word "unless" at the beginning, the following words be inserted, namely:—"A society may be registered either with limited or with unlimited liability as the members may desire, provided that," was then put and lost.

The motion of Mr. Satyapriya Banerjee that clause 12(*a*) be omitted, was then put and lost.

The motion of Mr. Syed Jalaluddin Hashemy that clause 12(*a*)(*ii*) be omitted, was then put and lost.

The motion of Mr. Satyapriya Banerjee that the following provisos be added to clause 12, namely:—

"Provided that the liability of a society whose objects include the creation of funds to be lent to its members and of which the majority of members are agriculturists may, at the option of its members, be limited or unlimited.

Provided, further, that in the case of limited liability societies, no share shall be withdrawable except in accordance with the by-laws,"

was then put and lost.

The motion of Mr. Dhirendra Nath Datta that for clause 12 the following be substituted, namely:—"12. Unless the Provincial Government by general or special order otherwise directs, a society shall be registered under this Act (*a*) with limited or unlimited liability as the members desire if its objects include the creation of funds to be lent to its members and if (*i*) it has any withdrawable share capital or (*ii*) the majority of the members are agriculturists, and no member is a co-operative society, (*b*) with limited liability if any member is a co-operative society, provided that in the case of limited liability societies, no share shall be withdrawable except in accordance with the by-laws," was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick that in clause 12, line 2, for the word "no" the word "a" be substituted and that in clause 12, in line 2, after the word "shall" the word "not" be inserted, were then put and agreed to.

The question that clause 12, as amended, stand part of the Bill was then put and agreed to.

Adjournment.

It being 8-10 p.m.—

The House was adjourned till 4-45 p.m. on Tuesday, the 23rd July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 23rd July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 212 members.

STARRED QUESTIONS

(to which oral answers were given)

Introduction of compulsory free primary education in the district of Khulna.

*56. **Mr. ABDUL HAKEEM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he contemplates introduction of compulsory free primary education in the district of Khulna?

(*b*) If so, when is it likely to be introduced?

(*c*) If it is not to be introduced, will the Hon'ble Minister be pleased to state the reason therefor?

(*d*) What steps, if any, have the Government taken up till now in the direction of introduction of compulsory primary education in the said district?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) Not in the immediate future.

(*c*) and (*d*) The introduction of compulsory free primary education in most districts requires considerable financial subvention by Government to supplement the yield of education cess. It is not, therefore, possible to introduce free primary education in all the districts of the Province, simultaneously. For the present a programme has been prepared to introduce free primary education into ten districts in addition to the eight districts in which it has been already introduced. Khulna is not among those districts and must wait its turn. There are two special reasons for not introducing compulsory free primary education

in the district of Khulna forthwith. The first is that the economic condition of the district was, until lately at least, not good enough for the imposition of education cess. The second is that education cess is levied under the provisions of the Bengal (Rural) Primary Education Act according to the system of collection under the old Cess Act. But revaluation operations have already begun in the district for the revaluation of road and public works cess according to the system in the new Chapter VIIA of the Cess Act. This new system provides for a more equitable incidence of cess and it is hoped to amend the Bengal (Rural) Primary Education Act so as to bring the levy of education cess into line with the amended Cess Act before education cess is levied in the district of Khulna. It is hoped to introduce a Bill this session.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he considers that the economic condition of other districts is such that primary education cess can be levied on those districts?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how long is the district of Khulna to wait for its turn?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to say. I will try to minimise the time as much as possible.

Grievances of the area copyists employed in the Jute Registration Department.

*57. **Mr. MONMOHAN DAS:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that a number of educated unemployed men of the rural areas of Bengal got their appointments in the Jute Registration Department;

(*ii*) that for the posts of area copyists the scale of pay was advertised on Rs.30 a month, but subsequently it has been announced that they would be paid Rs.25 per month;

(*iii*) that the employees are not allowed to enjoy the rights and privileges enjoyed by other servants of the Government;

(*iv*) that they are to work full seven hours a day even without the opportunity for enjoying Sundays and other Government holidays;

(*v*) that their appeals to the local authority concerned have been without success; and

(*vi*) that some posts were kept in surplus reserve lists, to which outsiders are being taken?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate redress of their grievances without delay?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) Yes.

(*ii*) Copyists are treated as job and contract workers. It was originally proposed to pay them Rs.30 per month. But on reconsideration it was found necessary to reduce the basic pay to Rs.25 per month, the salary they received last year, and to introduce a scheme of bonus whereby good copyists can easily earn Rs.5 or even Rs.10 per month in addition to their pay.

(*iii*) to (*v*) Jute Registration is of the nature of Settlement work and, moreover, the work could not wait and had to be completed before the advent of the rains.

But in spite of this and the fact that usually no holidays are observed in the field work of the Settlement Department, the field staff and the copyists of the Jute Registration Department have enjoyed half holiday on every Friday.

(*vi*) Candidates on the waiting list have been taken as far as possible but where fully qualified men have not been available in that list, qualified and competent outsiders have been selected.

(*b*) Does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us as to whether there is any extra allowance for working on Sundays?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us as to whether there was any undertaking before recruitment that these employees would be required to work on Sundays without having any holiday whatsoever?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know of any undertaking.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether it is a fact that many of the area copyists employed for the first time in the district of Tippera have not got their pay up till now?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know why that should be so. I am not aware of any such thing.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state if he is aware that area copyists have written letters one after another for their pay to the Controller of Jute Registration but no answer has yet been received by them?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know, Sir.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to make an enquiry into the allegation so that area copyists may receive their pay for the work they did for the first time?

The Hon'ble Mr. TAMIZUDDIN KHAN: If any application is made, I shall certainly make enquiries.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state, if the employees in the Jute Registration Department are recognised as Government servants, are they not entitled to enjoy all the rights and privileges enjoyed by other Government servants?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have nothing further to add.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the reasons which led them to reduce the original salary of Rs. 30 to Rs. 25?

The Hon'ble Mr. TAMIZUDDIN KHAN: Reasons of economy.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the economy on the part of the employees who have got to purchase their foodstuff and other necessaries at a higher price to-day?

Mr. SPEAKER: That is a matter of argument.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to submit that the Hon'ble Minister said that although the original salary was fixed at Rs. 30, it was reduced to Rs. 25 for reasons of economy from the point of view of Government; so, I would like to draw your attention——

Mr. SPEAKER: There is no ambiguity in it.

Mr. ATUL KRISHNA GHOSE: In view of the economic crisis in the country, will the Hon'ble Minister be pleased to state whether Government will consider the desirability of reverting to that salary of Rs. 30 per month?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that there is an Act called the Wages Act under which he is liable to prosecution for not paying them their full salary? (Laughter.)

Mr. SPEAKER: Do you want to hand him over to the Labour Minister? (Laughter.)

Babu MADHUSUDAN SARKER: In view of the fact that in Government offices as well as in private offices, Sundays are observed as holidays and Saturdays are observed as half holidays, will the Hon'ble Minister be pleased to state the reason why Friday has been observed as half holiday?

The Hon'ble Mr. TAMIZUDDIN KHAN: That has caused no inconvenience to the officers.

Election of Jhargram Local Board.

***58. Dr. GOBINDA CHANDRA BHOWMIK:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the election of Jhargram Local Board will be held by August, 1940?

(*b*) If not, why not?

MINISTER in charge of the LOCAL SELF-GOVERNMENT and PUBLIC HEALTH DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No.

(*b*) The Election Rules under the Local Self-Government Act had to be amended so as to make them applicable to the Jhargram subdivision. The necessary amendments were published in the *Calcutta Gazette* of the 14th December last, and, under section 138 of the Act, the amended rules came into force three months after their publication. The proceedings relating to the election of the Jhargram Local Board were initiated on the 1st May, 1940, and, as it usually takes

about 7 or 8 months to complete the election proceedings, including the preparation and printing of the voters' lists, the election is expected to be held by January next.

Malda District Board Election.

*59. **Mr. ATUL CHANDRA KUMAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government intend to postpone the District Board elections during the present war?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state when the Malda District Board election will take place?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the delimitation of constituencies for the Malda District Board election was made in accordance with the principle laid down in the Government letter No. 57(5) L.S.-G.;

(*ii*) what is the percentage of Hindu and Muslim population in the district;

(*iii*) whether Hindu community has been declared as minority community in the district of Malda;

(*iv*) the strength of Hindu and Muslim voters in each of the different proposed constituencies; and

(*v*) whether the Hon'ble Minister is aware that there is a feeling of resentment amongst the Hindus over the delimitation of constituencies?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No.

(*b*) The election is likely to be held by the middle of January, 1941.

(*c*) (*i*) Yes.

(*ii*) The percentages of the Hindu and the Muslim population in the the district are 42 and 54·4 respectively.

(*iii*) No.

(*iv*) A statement showing the voting strength of Hindus and Muslims in each constituency according to the last Assembly Electoral Roll is laid on the table.

(*v*) No.

Statement referred to in the reply to clause (c) (iv) of starred question No. 59.

	Number and name of constituency.	Voting strength.	
		Hindus.	Muslims.
I.	Nachole-Nawabganj ..	2,732	4,076
II.	Nawabganj	1,122	6,479
III.	Shibganj	1,430	8,299
IV.	Shibganj-Kaliachak	1,992	6,178
V.	Kaliachak (South)	3,084	5,278
VI.	Kaliachak (North)	3,304	3,908
VII.	Manikchak	5,961	2,030
VIII.	Bholahat Old Malda and Habibpur	3,765	3,041
IX.	English Bazar	3,594	2,621
X.	Gomastapur	2,170	4,329
XI.	Bamongola-Habibpur ..	4,482	1,320
XII.	Gazole	5,061	1,846
XIII.	Ratua	2,637	4,843
XIV.	Harischandrapur	5,156	6,166
XV.	Kharba	5,229	6,991

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that out of 15 seats, the constituencies have been delimited in such a manner as to give the Muhammadan community 10 seats whereas according to population, that community is entitled to 8 seats only and according to voting strength, to less than 7 seats and the Hindus are entitled, according to population strength to 7 seats and according to voting strength to 8 seats but only 5 seats have been allotted to the unfortunate Hindu community by the popular Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say off-hand whether this statement is correct or not.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether in response to a request by the honourable member, the member for Malda forwarded his suggestions regarding the delimitation of constituencies and, if so, have they received any consideration?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I considered the whole thing and I accepted the proposals sent by the local officers.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if it is a fact that the second suggestion which was forwarded by the District Board after the Government letter No. 57(5)L.S.-G. and which was circulated, was turned down?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No second suggestion was forwarded.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if it is a fact that the three thanas, namely, Nawabganj, Kaliachak and Shibganj, predominantly inhabited by the Muhammadan community, with an area of 443 square miles, with a population of 381,000 and with a voting strength of 39,941, have been allotted 6 seats, whereas the rest 12 thanas, four times in area, with twice the population and twice the voting strength, have been allotted only 9 seats?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say off-hand.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister in a position to contradict that in order to allot more seats to Muhammadans a seat has been created with——

Mr. SPEAKER: Where do you find the actual number of population according to which the seats have been distributed?

Mr. ATUL CHANDRA KUMAR: It comes from a mathematical calculation of the figures given by the Hon'ble Minister.

Will the Hon'ble Minister be pleased to state whether the principle of population, voting strength and area were considered while dealing with the constituencies and on what principle the constituencies were delimited?

Mr. SPEAKER: You can ask questions on delimitation.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government issued a circular. Area and population were considered in regard to delimitation of constituencies.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister in a position to contradict that the Manikchak thana with a population of 66,629 has not been allotted a seat independently, because——

Mr. SPEAKER: Manikchak shows a Hindu voting strength of 5,961——

Rai HARENDRA NATH CHAUDHURI: Just now the Hon'ble Minister has said in reply to a previous question that in delimiting constituencies, area and population have been taken into consideration, and, therefore, the supplementary question arises.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if it is a fact that a seat has not been allotted to Manikchak police-station independently with an area of 150 square miles, a population of 66,629 and having a voting strength of above ৭,000, which is unfortunately inhabited by a Hindu majority, whereas a seat has been allotted independently to Gomastapur police-station with an area of 123 square miles, a population of about 50,000 and a voting strength of about 6,000, because there is a Muhammadan majority?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot answer it off-hand. If a notice is given, I am prepared to answer it.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister agree that it is desirable having regard to the facts and figures that this matter should be looked into by him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Certainly.

Mr. SANSANKA SEKHAR SANYAL: Will the Hon'ble Minister consider the question of discussing this matter in a small conference in which all the M.L.As. of the Malda district will be present?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as possible, I have followed the advice given to me and I think it is equitable, but if it is pointed out to me that in the decision there is anything inequitable, I am prepared to look into it.

Communal ratio in the clerical establishment of Bakarganj Civil Courts.

*60. **Mr. JOGENDRA NATH MONDAL:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing for the civil courts in the Bakarganj district—

(*i*) the present number of permanent clerks both in the upper and lower divisions;

(*ii*) the number and names of the Scheduled Caste peons; and

(iii) the number of those referred to in (i) that are—

(1) Caste Hindus,
(2) Muslims, and
(3) Scheduled Castes?

(b) Is it a fact that the number of permanent clerks belonging to the Scheduled Castes is not in proportion to the communal ratio?

(c) If the answer to (b) is in the affirmative, is the Hon'ble Minister considering the desirability of filling up the future vacancies by the Scheduled Caste candidates till their proportion is reached?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur):

	Upper Division.	Lower Division.	Total.
(a) (i)	23*	115	138

*(including 2 provisional Stenographers and one Additional Translator).

(ii) Number. 6

Names.

1. Sreenath Rajakdas.
2. Raimohan Jhalo
3. Sitanath Rajakdas.
4. Bholanath Das.
5. Matilal Das.
6. Surendranath Roy.

		Upper division.	Lower division.	Total.
(iii)	(1)	18	62	80
	(2)	2	44	46
	(3)	2	6	8
	(4) Others	1	3	4
	Total ..	23	115	138

(b) Yes.

(c) Yes; according to the Bengal Services Recruitment (Communal Ratio) Rules, 1940.

Establishment of a University of Islamic Learning.

*61. **Maulana MD. MANIRUZZAMAN ISLAMABADI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he has received any recommendation from the Madrassah Reform Committee for the establishment of an Arabic University in Bengal?

(b) If so, what action has been taken in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I have not received any such recommendation from the Madrassah Education Committee, but the Committee has passed a resolution for the establishment of a University of Islamic Learning. A copy of it has been obtained and is laid on the table.

(*b*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 61.

EXTRACT FROM THE PROCEEDINGS OF THE MEETING OF THE MADRASSAH EDUCATION COMMITTEE HELD ON THE 9TH MAY, 1940.

* * * * * *

6. Discussion on the question of the establishment of a University of Islamic Learning was continued and the following resolutions were unanimously adopted:—

(1) (*a*) *Resolved* that the Committee strongly recommend to Government to take early steps to establish and incorporate, by an act of legislature, a University of Islamic Learning at Calcutta having jurisdiction and control over all the Madrassahs—both old and new—including Islamic Intermediate Colleges.

(*b*) *Resolved* that the proposed University of Islamic Learning be established for the purpose of ascertaining, by means of examination or otherwise, the persons who have acquired proficiency in different branches of literature, particularly in Arabic Literature and Islamic Studies, Science and Arts, and for the purpose of conferring upon them academic degrees, diplomas, oriental literary titles, licences and marks of honour.

(*c*) *Resolved* further that the University when so constituted should be incorporated for the purpose of making provision for the instruction of students, with power to appoint University professors and lecturers, and to hold and manage educational endowments, to erect, equip and maintain University libraries, laboratories and museums, to make regulations relating to the residence and conduct of students, and to do all acts consistent with the Act, which tend to the promotion of study and research.

Moved by—Maulana Muhammad Maniruzzaman Islamabadi.

Seconded by—Shams-ul-Ulama Maulana Muhammad Musa, Khan Bahadur.

(2) *Resolved* that Government be moved to introduce a Bill for the establishment of a University of Arabic Learning and Islamic Studies into the next session of the Bengal Legislative Assembly or as soon as possible.

Moved by—Khan Bahadur Maulvi Alfazuddin Ahmad.

Seconded by—Maulana Muhammad Ibrahim.

(3) *Resolved* that the Chairman of the Committee be authorised to submit to Government, at an early date, a preliminary report on the work of the Committee, together with copies of the proceedings of the meetings, a draft Bill for the establishment of a University of Ismalic Learning and a rough estimate of cost of the scheme.

Moved by—Khan Bahadur Maulvi Alfabuddin Ahmad.

Seconded by—Khan Sahib Maulana Aminullah.

Provision for the teaching of "Diniyat" in Secondary Schools.

***62. Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is no provision for the teaching of "Diniyat" in the syllabuses of studies for Secondary Schools for boys and girls?

(*b*) If so, do the Government contemplate providing teaching of "Diniyat" (Religious instruction) in classes III—VI where guardians of Muslim students demand it in any middle English or high English schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The question is not free from difficulty, but I am prepared to consider it.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Free quarters for the Subdivisional Medical Officers.

33. Khan Bahadur AULAD HOSSAIN KHAN: (*a*) Will the Hon'ble Minister in charge of the Public Health (Medical) Department be pleased to state who is the authority responsible for supply of free quarters to the Subdivisional Medical Officers of the rank of Sub-Assistant Surgeons, recruited after Bengal Government Resolution No. 312T.—Medl., dated the 17th May, 1910, and prior to Government of Bengal orders of 2nd October, 1923?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the the quarters of the Subdivisional Medical Officer at Magura, Jessore, are unfit for habitation;

(*ii*) that the Jessore District Board after repairing the said quarters from the Dispensary Committee demands Rs.25 per month as rent of the Medical Officer's quarters; and

(*iii*) that the Dispensary Committee could not pay the bills for medicines for the last 2 years for want of funds?

(*c*) Has the attention of the Hon'ble Minister been drawn to the letter of the Secretary to the Dispensary Committee addressed to the Surgeon-General, Bengal, through the Civil Surgeon, Jessore, praying for house rent for the quarters occupied by the Medical Officer?

(*d*) If so, what steps does he propose to take in the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The authority responsible for provision of free quarters to Sub-Assistant Surgeons in charge of a subdivisional dispensary is the Managing Committee of the dispensary appointed by the District Board.

(*b*) (*i*) The quarters have since been repaired by the District Board of Jessore and are now reported to be fit for habitation.

(*ii*), (*iii*) and (*c*) Yes.

(*d*) The matter is under my consideration.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighetn us with reference to answer (*c*) when did he receive the letter of the Secretary to the Dispensary Committee?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. ATUL KRISHNA GHOSE: I beg to submit, Mr. Speaker, that the Hon'ble Minister gave a reply to the effect that his attention had already been drawn to the letter. Now he says that he wants notice when I ask for the date of this letter.

Mr. SPEAKER: You put a separate question.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister enlighten us as to the outstanding bills that have not been paid and the amount of those bills?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Construction of water works in Jhalakati Municipality.

34. Mr. PRATUL CHANDRA GANGULY: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that a sum of Rs.17,800 has been granted in this year's budget for the construction of water works in the Jhalakati Municipality; and

(*ii*) that the said sum is awaiting administrative approval?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking immediate steps for handing over the money to the Jhalakati Municipality?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) In accordance with the usual procedure in such cases, the Government grant (Rs.17,800) towards the water-supply project will be paid after the detailed scheme receives sanction of Government and the local contributions including the grant made by the District Board are first spent on the work.

Appointment of an Assistant Engineer.

35. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that a Muslim candidate fresh from college has been appointed permanently as an Assistant Engineer in preference to a Hindu candidate with an experience of about 20 years in the service?

(*b*) If so, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Is it a fact that the Executive Engineer under whom the services of the newly appointed Assistant Engineer were placed reported to the Chief Engineer that he was unfit for the post unless he had 5 years' training and experience?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) The post of Assistant Engineer was reserved for a Muslim, there being no Muslim Assistant Engineer in the department, and the most suitable Muslim candidate was selected.

(*c*) No.

(At this stage the Hon'ble the Chief Minister rose in his seat to make a statement

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, what will be my position, if I am not allowed to move my adjournment motion now?

Mr. SPEAKER: It is part of the question time. Immediately after it, you will move it.

Statement by the Hon'ble the Chief Minister regarding the Holwell Monument.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, with your leave and the leave of the House I wish to make a statement. The question of the removal of the Holwell Monument was discussed in the Coalition Party in May last and at that time we gave an assurance to the party that the decision of Government regarding the question of its removal would be announced within six months at the latest. The question was again considered at a meeting of the Coalition Party this afternoon. In pursuance of the assurance given to the Coalition Party in May last and as a result of the discussions in the party this afternoon, Government have decided to take immediate steps for the removal of the Holwell Monument. (Cheers from the Coalition Benches.)

As regards——

Dr. NALINAKSHA SANYAL: Sir, may I rise on a point of order? You had ruled previously that in this House we shall not be concerned with the internal affairs of a party or discussions in a party relating to any matter in which the House may be concerned. It might be a matter for the Coalition Party itself or for any Hon'ble Minister when he has to explain his conduct to the party. May I know from you, Sir, if you have changed your ruling or you are going to change your position with regard to this matter?

Mr. SPEAKER: Well, I have not changed my position, nor am I going to change my ruling. As a matter of fact, all along my decision has been that discussions in a party are matters which are internal matters for that party itself. But suppose a person says that "My party wants me to do this thing or that thing"; I am doubtful if exception can be taken.

Dr. NALINAKSHA SANYAL: But, Sir, the statement is going beyond that.

Mr. SPEAKER: I do not think so.

Chief Minister was referring to the discussions that took place in t party.

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards the regrettal incident of Monday afternoon, I am authorised by my colleagues convey to the Principal and the staff and the students of the Islan College their deep and sincere regret if any innocent persons——

Dr. NALINAKSHA SANYAL: Again on a point of order, S You are aware that an adjournment motion has been tabled on tl "regrettable" incident covertly mentioned by the Hon'ble the Ch Minister. It is not permissible under the Rules of the Assembly have a precursor motion to such a question. The House is already seisin of the motion as you have given your consent. May I subı Sir, that if the Hon'ble Minister has got to offer any apologies in tl connexion let him go down on his knees before his party after t adjournment motion has been moved.

Mr. SPEAKER: The position is this that, if Government, or, : the matter of that, the Opposition wants to make a statement it is t invariable practice of the House to give them an opportunity to do But that does not take away the right of the House to discuss an adjou ment motion which will be immediately taken up.

The Hon'ble Mr. A. K. FAZLUL HUQ:——if any innocent pers have been injured in the course of the incident. I do not wish to en into details but I hope that this expression of our regret will accepted in the spirit in which it has been tendered. Lastly, I authorised to state that Government propose to constitute a commit of enquiry to enquire into the incident of Monday afternoon. taking this step we do not wish in the least to prejudge the issue a we believe that this enquiry will be helpful in bringing out the actu facts of the case, and serve to put a stop to the dissemination of fa and mischievous rumours. In this connexion I may take the opportu ity of acknowledging the unfailing sympathy which the Europe community have shown on this question of the removal of the Holw Monument. Their representatives in both the Houses have e shown the utmost readiness to respond to Indian opinion and to h us in coming to a satisfactory solution of this question. But for th co-operation and help it would have been difficult to arrive at t decision which I have the privilege to announce to-day. (Prolong cheers from the Coalition Benches.)

Adjournment Motion.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to ask the leave of the House to move an adjournment motion for which I have, Sir, got your consent. It is this—

That the business of the Assembly do stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the serious assault by the police on the students of the Islamia College, Calcutta, at 2 p.m. on the 22nd July, 1940, by entering into the college compound as well as into the class rooms of that college.

(At this stage there was some noise from the Coalition Party side, when one member of that party said in an undertone that "the wind was now taken out of the sail.")

Mr. SPEAKER: May I appeal to the House that in a matter like this I expect both sides of the House to help me and not create any difficulties directly or indirectly?

Mr. M. SHAMSUDDIN AHMED: Sir, one honourable friend over there says that the wind has now been taken out of the sails. But all I need now say is that it ought to have been done long before.

(Noise again.)

Mr. SPEAKER: I have again to ask the members not to talk among themselves. If they want to do so let them go outside the Chamber and do so. I am sorry that members do not realize the gravity of the occasion. There are occasions when they can talk among themselves in the manner in which they have done, but there are occasions which require matters to be discussed with the solemnity which the facts of the case demand.

Has the Hon'ble Home Minister anything to say about this motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I consider that in view of the statement already made by the Hon'ble Chief Minister, the question does not arise——

Mr. SPEAKER: I will consider all that. For the present I am concerned merely with the question as to whether the motion is in order or not.

The Hon'ble Khwaja Sir NAZIMUDDIN: The only thing that I should say, Sir, is the possibility of this matter being *sub judice*.

Rai HARENDRA NATH CHAUDHURI: Sir, *sub judice* is a matter of fact. There cannot be any possibility about it and certain things disallowed on that contingent possibility. The rules do not allow us to anticipate that a matter may be *sub judice* in future.

Mr. SANTOSH KUMAR BASU: At least the Hon'ble Home Minister has been very frank for he says that it is not yet *sub judice*!

Mr. JOGESH CHANDRA GUPTA: Although there are no objections yet he says that he has objection to this motion.

Mr. SPEAKER: Well, you can deduce the conclusion from the facts.

I think, Mr. Hashemy, the language of the motion of which you have given notice could be drafted in a better form. Mr. Santosh Kumar Basu's motion on the same subject is better worded and the substance is the same. I think, therefore, that you should draft your motion after that of Mr. Basu. So, will you alter your motion accordingly on the lines of Mr. Basu's motion?

Mr. SYED JALALUDDIN HASHEMY: All right, Sir, I will put it in that form.

Mr. SPEAKER: Is there any objection to the motion being admitted?

(One honourable member from the Coalition Party objected.)

Mr. SPEAKER: Will those members who are in favour of the motion kindly rise in their places?

(The required number of members stood up.)

Mr. SPEAKER: I therefore hold the motion to be in order and propose to take it up at 5-45 p.m., or, does the Congress Party desire that it should be taken up at 6 o'clock, for, supposing we finish it within 1 hour 45 minutes, there will be time left for putting it to vote, etc., etc.?

Dr. NALINAKSHA SANYAL: In that case may I submit, Sir, that you will kindly fix the time for discussion a little earlier, so that if the debate is closed earlier, we can proceed with the other business of the day?

Mr. SPEAKER: I think I should fix 6 o'clock for the purpose.

Mr. JOGESH CHANDRA GUPTA: May I, Sir, request you to kindly make available to us a copy of the statement made by the Hon'ble Chief Minister as we could not follow it?

Mr. SPEAKER: Yes, I will have it cyclostyled immediately.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1938.

Mr. SPEAKER: The House will now resume further discussion on the Bengal Co-operative Societies Bill, 1938.

Clauses 13 and 14.

The question that clauses 13 and 14 stand part of the Bill was then put and agreed to.

Clause 15.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move by way of amendment that in clause 15 in line 4, after the words "to be recorded in writing", the words "and communicated to the applicants" be inserted.

Mr. SPEAKER: That is obvious.

Mr. SATYAPRIYA BANERJEE: Yes, that is obvious, but it is not in the Bill.

If the Hon'ble Minister accepts this suggestion of mine, I will not speak any further.

Mr. SPEAKER: Mr. Mullick, do you accept it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Mr. SPEAKER: He is not willing to accept it, so you may speak as briefly as possible.

Mr. SATYAPRIYA BANERJEE: The clause as amended would read thus: "If the Registrar is satisfied that the application complies with the provisions of this Act, and the rules and that the proposed bye-laws are not contrary thereto he shall, unless for reasons to be recorded in writing and communicated to the applicants he thinks fit to refuse, register the (co-operative) society and its bye-laws."

I do not find any reason whatsoever save his obstinacy in not accepting any of the amendments of the Opposition, particularly this obvious one, save obtuseness on his part, doggedness as my friend suggests; every blessed adjective that I could discover and my friends could discover fails to describe the unusually cussed attitude adopted by the Hon'ble Minister. I do not see what harm there is in communicating the reasons for the decision which the Registrar has arrived at to the applicants for registration. There is no provision also in this clause for rules in this regard. Therefore, the applicants are quite in the dark as to the reasons for which the registration has been refused. If even after this the Hon'ble Minister finds his way not to accept this amendment then I must sit down.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I should point out to my friend that it is obvious and it is absolutely unnecessary to have this amendment to this clause.

Mr. SPEAKER: You think it is the statutory duty?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: May I also remind my friend that it would be done automatically, for there is an appeal provided for against any order made under this clause. Therefore, I submit, Sir, that it is quite unnecessary.

Mr. SATYAPRIYA BANERJEE: Without knowing the reasons, how can they appeal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The reasons will be recorded and will be communicated to the applicants.

Mr. SATYAPRIYA BANERJEE: But it will be in the office of the Registrar.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, all I say is that it will not be necessary to have this amendment. It will be automatically communicated.

Mr. SATYAPRIYA BANERJEE: Why not incorporate it automatically?

Mr. SPEAKER: It is quite obvious.

Dr. NALINAKSHA SANYAL: Sir, if obvious things are not accepted by Government, there is no other alternative than to keep a record of it.

Mr. SPEAKER: Government gives an assurance.

Dr. NALINAKSHA SANYAL: It is not an assurance. On the contrary, it is another mischievous attempt. We know they can fix even Rs. 500 for a copy of the order.

The motion of Mr. Satyapriya Banerjee that in clause 15, in line 4, after the words "to be recorded in writing", the words "and communicated to the applicants" be inserted, was then put and a division taken.

(When the quorum bell was ringing after the House had divided Dr. Nalinaksha Sanyal rose.)

Dr. NALINAKSHA SANYAL: May I now enquire, Sir, if the cussedness of the Hon'ble Minister in charge is the result of the majority of votes which he appears to possess? In that case we shall choose our own course in regard to the amendments. If Government is not prepared to accept any co-operation from the Opposition, the Opposition will know its duty in regard to matters relating to the Bill.

Mr. SPEAKER: I think not.

Dr. NALINAKSHA SANYAL: The Chief Minister is here. Let us know from him the attitude of Government.

The Hon'ble Mr. A. K. FAZLUL HUQ: That is not our attitude, and as a matter of fact in a Co-operative Bill it is most unco-operative not to co-operate. Unless of course there is an error of judgment, we shall be ready to accept all suggestions as far as possible.

Dr. NALINAKSHA SANYAL: Will you please give that direction to the Minister in charge? (Laughter.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Most certainly.

Dr. NALINAKSHA SANYAL: Thank you.

(The result of the division on the amendment of Mr. Satyapriya Banerjee was then announced.)

AYES—60.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barman, Babu Upendra Nath.
Bhowmik, Dr. Gabinda Chandra.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jitendra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.

Dolui, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Aduaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Masiruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—96.

Abdul Aziz, Maulana Md
Abdul Hafiz Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Emayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Badruddoja, Mr. Syed.
Bell-Hart, Miss P. B.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirti Bhusan.
Dass, Babu Debendra Nath.
Edber, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. S.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jazimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Safiuddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Kwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahant.

Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Hafi.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. G.
Yusuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 60 and the Noes 96, the motion was lost.

The question that clause 15 stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 stand part of the Bill was then put and agreed to.

Clause 17.

Mr. SPEAKER: I think your amendment No. 29 is superfluous.

Mr. SATYAPRIYA BANERJEE: Sir, that was taken from the Indian Companies Act which also contains the same provision.

Mr. SPEAKER: Which section of the Indian Companies Act please?

Mr. SATYAPRIYA BANERJEE: It is, I think, section 20 of the Indian Companies Act of 1913. I do not know the exact section of the new Act.

Mr. SPEAKER: Will it not give retrospective effect?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir.

Mr. SATYAPRIYA BANERJEE: I think that if retrospective effect is not given to this clause, then there will be difficulty.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: You cannot say that off-hand.

Mr. SPEAKER: I think it is a very minor matter.

Dr. NALINAKSHA SANYAL: Let it be moved first and then dropped.

Mr. SPEAKER: All right.

Mr. SATYAPRIYA BANERJEE: I beg to move that after clause 17 (*3*), the following sub-clause be added, namely:—

"(*4*) Amendment so registered shall be as valid as if originally contained in the bye-laws."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As you have been good enough, Sir, to point out to my honourable friend, this amendment seeks to give retrospective effect, which is not desirable.

Mr. SATYAPRIYA BANERJEE: It does not seek but it might give that effect.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That will be the effect of the amendment, if accepted. I hope my honourable friend will not press his amendment.

The motion of Mr. Satyapriya Banerjee that after clause 17 (*3*) the following sub-clause be added, namely:—

"(*4*) Amendment so registered shall be as valid as if originally contained in the bye-laws",

was then put and lost.

The question that clause 17 stand part of the Bill was then put and agreed to.

Clause 18.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 18 (*1*), line 5, after the word "Society" the words "stating in writing the reasons for the same", be inserted.

Sir, may I also move amendment No. 32, which stands in my name?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: I also beg to move that in clause 18 (*2*), the words "after affording the society an opportunity of being heard" in lines 2 and 3 be transposed after the word "Registrar" in line 5.

Sir, the second amendment is more or less a drafting improvement. You will notice, Sir, that the wording, as it now stands, makes the meaning rather difficult of comprehension. It reads thus: "If the society fails to make the amendment within the time specified, the financing bank may, after affording the society an opportunity of being heard, forward to the Registrar the amendment which it considers necessary and desirable, and the Registrar, if satisfied that the amendment is not contrary to the provisions of the Act or the rules, may thereupon register the amendment and forward to the society", etc. The provision there made is that it is the financing bank, which is the complainant in this case, which should afford opportunity to the society of being heard. On the contrary, the intention must have been that the ordering authority, that is, the Registrar, should be given the power of

affording the society concerned an opportunity of being heard. Therefore, I have chosen the transposition of the words "after affording the society an opportunity of being heard" after the word "Registrar", so that the "opportunity of being heard" will be given by the Registrar and not by the financing bank concerned. That is so far as amendment No. 32 is concerned.

Now, amendment No. 31 is quite clear. It means that whenever the financing bank will make an amendment within such time as it may, the financing bank will call upon the society stating in writing the reasons for such action. If the society does not know why the financing bank desires this change, it may be difficult for the society concerned to understand why the amendment is desired. When the power of the financing bank is reserved to direct amendment of bye-laws, it is only necessary that the financing bank should allow the society concerned to know why the change is desired. With that end in view, I have proposed that the society should have stated the reasons in writing by the financing bank concerned. That is my amendment No. 31.

These two amendments will, I suppose, Sir, be accepted, as they substantially improve the meaning of the sub-sections of clause 18.

Mr. SPEAKER: Mr. Wordsworth, are you moving your amendment?

Mr. W. C. WORDSWORTH: No, Sir. As my amendment is covered by amendment No. 26, there is no need for me to move my amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 18 (*1*), line 3, after the word "member" the words "and a debtor" be inserted.

Sir, as regards the two amendments moved by Dr. Sanyal, the position is this.

So far as No. 31 is concerned, it will appear from the clause itself that all these will have to be settled by rules; for the clause itself says that whenever a financing bank takes any action against the society, it will have to be done in a prescribed manner. This shows that all these details will have to be settled by rules.

Sir, with regard to amendment No. 32, I am afraid, there is some amount of misapprehension. The facility to be heard is designed to be given to the financing bank and not to the Registrar. The financing bank, so far as its debtor is concerned, will have the right to ask the debtor member to satisfy the financing bank as to its bye-laws and thereupon the financing bank will hear the society and then make its recommendations to the Registrar. It is not designed that the hearing

will be given by the Registrar but that hearing will be given by the financing bank. Therefore, I do not think, it is necessary. On the contrary, I feel that there is some amount of misapprehension. On these grounds, I oppose both the amendments of Dr. Sanyal and I commend my own amendment to the acceptance of the House, which I confess, is at the instance of the Provincial Bank to make the position clear so far as financing bank is concerned.

The motion of Dr. Nalinaksha Sanyal that in clause 18(*1*), line 5, after the word "Society" the words "stating in writing the reasons for the same", be inserted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 18(*2*), the words "after affording the society an opportunity of being heard" in lines 2 and 3 be transposed after the word "Registrar" in line 5, was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 18(*1*), line 3, after the word "member" the words "and a debtor" be inserted, was then put and agreed to.

The question that clause 18, as amended, stand part of the Bill, was then put and agreed to.

Clause 19.

The question that clause 19 stand part of the Bill was then put and agreed to.

Clause 20.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 20 (*1*), line 2, after the word "members" the words and figure "or representatives elected under sub-section (*3*), as the case may be" be inserted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to the amendments on this clause, may I, with your permission, point out that Government have given notice of a draft amendment which embodies all the suggestions that have been made in these amendments regarding the question of representation by delegation. I am extremely sorry that the notice could not be given earlier.

Dr. NALINAKSHA SANYAL: Sir, I would request you to hold over this clause for the time being. Let the draft be circulated so that we may examine it.

Mr. SPEAKER: In the meantime, I may read it out—

The following proviso be added to sub-clause (*1*) of clause 20, namely:—

"Provided that in such circumstances as may be prescribed, the final authority may vest in the delegates of such members elected in the prescribed manner and assembled in general meeting."

This may now be circulated.

Mr. Mullick, you might enquire why this notice was sent so late. Your office should have sent it earlier.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I will enquire into the matter.

Dr. NALINAKSHA SANYAL: What is the position then, Sir?

Mr. SPEAKER: The consideration of clause 20 now stands over.

Dr. NALINAKSHA SANYAL: Sir, in view of the fact that a draft has been before us, we might finish our observations now so that probably before the draft is circulated, the Hon'ble Minister might examine the suggestions and redraft it because we find that the present draft is as hopeless as the original draft of the clause. It does not improve the position at all. Probably he is helped by very good draftsmen, as in many other cases. But the drafting is as cumbrous as it can be. Sir, you read it yourself. There are two prescriptions provided. First, in the third sentence, there is the provision—"in such circumstances as may be prescribed". Secondly, in the fifth line, there is also another prescription about the manner in which members assembled in a general meeting will be elected. Our idea is that when people cannot meet in any general meeting, they should have their local meetings at places where a sufficiently large number of members can collect and elect delegates from amongst themselves. But if they could come to a general meeting as proposed in the draft to elect delegates, they could as well exercise their votes in the general meeting itself. If they could meet in a general meeting, they could as well finish their voting there.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Our idea is that so far as the question of delegation is concerned, there will be something in the nature of an electoral college which will meet amongst themselves to elect these delegates——

Dr. NALINAKSHA SANYAL: There will be no general meeting.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There will be a general meeting of the electoral college itself. That is how we have understood it and how we have put it. These delegates will have to be elected in a general meeting by a sort of electoral college and these delegates when elected will come and meet in a general meeting to elect representatives for the purpose of constitution of this body. So there will have to be two meetings, first amongst themselves and secondly among delegates.

Dr. NALINAKSHA SANYAL: Then it is not a general meeting of the members.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, it is not.

Dr. NALINAKSHA SANYAL: Then you will have to define a general meeting.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All these will have to be done by rules.

Mr. SPEAKER: What is the objection?

Dr. NALINAKSHA SANYAL: The whole object is that where there are more than 2,500 members of a society, or where the members live at long distances and scattered places, there should be an opportunity of local electoral colleges for electing delegates who might attend a general meeting, so that it may not be necessary for all members to come and attend the general meeting or it may not be possible for a coterie at a particular place where the meeting is held to dominate over the entire general meeting. In order to provide for that we thought that there should be two procedures, one an electoral college electing certain representatives in respective places. Secondly, these delegates will come and attend the general meeting. The Hon'ble Minister's suggestion is that Government will embody both of these things within their rules. But the words "general meeting" are there. The words "general meeting" here mean something different from what ordinary mortals understand by this expression. The Hon'ble Minister makes us believe that the words "general meeting" in the amendment refer to the general meeting of the members collected in the electoral college. If that is so, it must be made clear.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry if I conveyed that meaning. A general meeting must mean a meeting of those delegates to choose the final authority of the society. It does not mean a meeting of the members of the electoral college. It must refer to the meeting where the delegates come.

Mr. SATYAPRIYA BANERJEE: My draft is that in the case of any society having more than 2,500 members only such members shall be entitled to attend general meeting who have been elected representatives for the purpose by the members in the manner prescribed.

Dr. NALINAKSHA SANYAL: We are prepared to leave the prescription of the rules to Government.

Mr. SPEAKER: I think we had better leave clause 20 for the time being. It is very complicated.

Clause 21.

Mr. W. C. WORDSWORTH: May I move the two amendments together as they relate to the same structure?

Mr. SPEAKER: Yes.

Mr. W. C. WORDSWORTH: I beg to move that in clause 21(*1*), paragraph (*a*), be omitted, and paragraphs (*b*) and (*c*) of clause 21(*1*) be renumbered as paragraphs (*a*) and (*b*).

I also beg to move that after clause 21(*2*) the following sub-clause be added, namely:—

"(*3*) The members of the Managing Committee and such other officers as the bye-laws may require shall be elected at the general meeting and members so elected in any year shall hold office subject to the provisions in clause 26 for three terms, a term being defined as the period between two consecutive annual general meetings.

The outgoing members of the Committee shall be eligible for re-election".

At this point, as this is the first amendment I move, I may be permitted to offer you an apology and the House an explanation, apology to you for sending in certain amendments late. I have been guilty of double dealings. The amendments that I have sent in in company with Mr. Kennedy and Mr. Steven have been sent in on behalf of the European Group; these amendments that I have put in in my own name have been put in after long deliberation of the Directors of the Provincial Bank and they represent the residuum.

Dr. NALINAKSHA SANYAL: They are the Registrar's amendments.

Mr. W. C. WORDSWORTH: They are the Board's. Many amendments have been put by the Board before the Minister and the Select Committee during the last two years and this is the residuum that it was decided to send in at the last; but an important person disappeared from Calcutta at the last moment and we had to wait for final drafting until he could return. I thank you for accepting them. My double dealing has been restrained. I have not tried at all to canvass the European Group on behalf of any amendments put in for the Provincial Bank and, in fact, the European Group knew nothing about them until they saw them on the paper. After that I may explain briefly that the Directors of the Provincial Bank are strongly convinced that unless you give some continuity to the authorities of Central Banks, there will always be confusion, uncertainty and other disturbing factors. They consider it necessary that every man elected to an office or to the Directorate should rely upon three years' continual service and more afterwards if his services are wanted by the electors. I could say a lot about this, but I think these few words make the purpose of these amendments clear, so I content myself with drawing attention to them.

Dr. NALINAKSHA SANYAL: I beg to oppose the amendments moved by Mr. Wordsworth The reasons for my opposition are so obvious that I would not take much time of the House. It is quite in the fitness of things that certain members who have the privilege of being in the Managing Committee of the Provincial Bank by nomination of the Registrar or by the clique that manages the election will try to continue their terms for any length of time and, therefore, it is in their interests that the new amendment has come into existence. Mr. Wordworth and his friends of the Board of Directors of the Provincial Bank would certainly like to have their lives extended to three consecutive terms, if not more Probably we might find them keen to be there for a longer period than three years, but that would look very awkward. Anyway it is simply astounding to find that 24 members of a Board of Directors of a Provincial Bank of which no less than three persons are directly nominated and the rest also happen to be somehow or other protegés of the Registrar through methods of which the less said the better, should try to dominate over this institution for a pretty long time. The affairs and the management of the Provincial Bank are very well known and the manner in which these Directors function are also very well known; it is not the intelligence of the Board of Directors that is evidenced in any of the transactions of the Provincial Bank. The Directors are mere tools in the hands of a wily and interfering Registrar or of a clique over which the Registrar has complete control. It is a funny plea that such Board of Directors should continue in office because they have such onerous duties to their credit that they have got to stay on in the interest of the continuity

of work. This is something astounding indeed. In fact, one of the previous Chairmen of the Provincial Bank had stated in the course of his address to the members of the Bank some time back, and it was no less a person than Sir Rajendra Nath Mukharji, one of the foremost businessmen of the city, that the manner in which the Registrar interfered in the day-to-day working was something shocking. He further stated that the Directors had practically nothing to do, because it were the officers, the Assistant Registrars concerned and the officers of the Department, that practically put up proposals for loans and no loan could be granted without the recommendation of the Assistant Registrar concerned, and, therefore, the Directors had nothing to do than simply to ditto the suggestions. Theoretically they may be an independent body, but practically they have no independence. In the circumstances, it would be desirable that the entire institution should be remodelled and reorganised every year by new members who would be present at the general meeting every year and would be free to elect their own nominees. I know if any continuity is desired, the Registrar may still maintain that continuity by virtue of his power of nomination and such members whom he thinks very desirable in the interests of the Banks may be kept on in continuity for any length of time.

There is also another interesting provision here.

Mr. C. MORGAN: Must we remove the Registrar.

Dr. NALINAKSHA SANYAL: If I could I would. The present Registrar is the nominee of an ex-Minister. He ought to have been turned out long ago. That is a different story.

So far as Mr. Wordsworth's proposition is concerned, it is also quite contrary to the provisions of the Indian Companies Act where there is a provision that one-third of the members of the Board of Directors should retire, and two-thirds continue. Even if that was provided for then I could have understood Mr. Wordsworth's anxiety to keep the business organization in line with the propositions in the Indian Companies Act. He goes further and he wants all of them to continue or he wants that the figure should be prescribed under the rules. This, Sir, is something which is absolutely contrary to the spirit of the co-operative movement and which will be absolutely cutting at the root of the democratic ideals on which the co-operative organization should be shaped. I therefore oppose both the amendments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am afraid Dr. Nalinaksha Sanyal has been labouring under some misconception as to the facts. What he has stated about the Provincial Co-operative Bank is not a correct picture of the situation. Whatever

existed in the time of the late Sir Rajendra Nath Mukherjee does not exist to-day. The conditions are entirely different. The Directors of the Provincial Bank whom I had the honour of meeting on several occasions take very great pains to examine each matter that comes up before them.

Dr. NALINAKSHA SANYAL: On what material?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The materials are there.

Dr. NALINAKSHA SANYAL: Supplied by whom?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: By the departmental officers.

Dr. NALINAKSHA SANYAL: Please admit that.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is not enough, Dr. Sanyal.

Dr. NALINAKSHA SANYAL: Because they have no other machinery.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They have their own machinery. Sir, I was just going to tell the House——

Mr. SPEAKER: Dr. Sanyal, I think you better do one thing. Every morning you go to the Hon'ble Minister's house or if you like I can make him go to your house and then have a good fight among yourselves and then come to the House so that the passage of the Bill will be smooth. (Laughter.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: However, Sir, that is beside the point. But his information about the constitution of the Directorate of the Provincial Bank is not correct. For, out of the 24 Directors only three are nominated by the Registrar and as many as 21 are elected by the several Central Banks at a conference. I submit with all respect to this House, Sir, that the expression that he used about the Directorate of the Provincial Bank does not indicate any respect for that body.

Dr. NALINAKSHA SANYAL: Well, I have none, and I make no secret of it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: But I should have expected that Dr. Sanyal should not have said so at least on the floor of this House. However, Sir, so far as the amendments of Mr. Wordsworth are concerned, I may at once intimate to the House that we had detailed discussions on this subject with the Directors of the Provincial Bank and we felt that it was essentially necessary that there ought to be some continuity in the management of the Bank, of the Co-operative Societies, but that at the same time we should make some provision for fresh blood to come in. From that point of view we suggested—and the matter was agreed upon—that every year there would be election of a section of the Directors, or in other words, that a section of the members of the Managing Committee would go out of office and to that extent there would be election every year so that while one particular member may continue to hold his office for three years, there will be fresh blood introduced every year to the extent of a third of the Directorate or the Managing Committee of a particular Co-operative Society. But I must confess that we failed to draft a suitable clause to meet all these different ideas in the Bill. We thought, on examination of clause 134, namely, the rule-making clause, that we would be able to include all this in detail in the rules. Although we agreed to the suggestion made by the Provincial Co-operative Bank, we have not been able to put that in the Bill but I can give an assurance to Mr. Wordsworth, the Chairman of the Provincial Bank, that we will have it in the rules in the way in which it has been indicated in his amendments.

With this assurance, Sir, I hope the honourable member will be good enough to withdraw his motion.

Mr. W. C. WORDSWORTH: Mr. Speaker, I beg to withdraw my amendments, namely, Nos. 27 and 28, by the leave of the House.

The motions of Mr. Wordsworth—

that in clause 21 (*1*), paragraph (*a*), be omitted, and paragraphs (*b*) and (*c*) of clause 21 (*1*) be renumbered as paragraphs (*a*) and (*b*); and

that after clause 21 (*2*) the following sub-clause be added namely:—

"(*3*) The members of the Managing Committee and such other officers as the by-laws may require shall be elected at the general meeting and members so elected in any year shall hold office subject to the provicions in clause 26 for three terms, a term being defined as

the period between two consecutive annual general meetings.

The outgoing members of the Committee shall be eligible for reelection",

were then by leave of the House withdrawn.

The question that clause 21 stand part of the Bill was then put and agreed to.

Adjournment Motion.

Mr. SYED JALALUDDIN HASHMEY: Mr. Speaker, Sir, I beg to move—

That the business of the Assembly do stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the *lathi* charges by the Police on the students inside the Islamia College in Calcutta on the afternoon of July 22, 1940, resulting in injuries to a number of students.

Sir, it is with a sense of shame and humiliation that I have to place my adjournment motion before the House. Sir, it is to the eternal shame of the party in power that the persons who work on their behalf in this province, that students of Bengal, most of them Mussalmans, have been subjected to blood-bath by the creatures of Law and Order. Sir, I quite appreciate, not only appreciate but admire, the statement issued by the Hon'ble Chief Minister this morning. Sir, he has made it absolutely clear that he (the Hon'ble Chief Minister) had nothing to do with this incident. He has further added that the Principal of the College has got nothing to do with this incident. I shall read a sentence from the statement issued by the Hon'ble Chief Minister. It is this that "the Police appeared on the scene in consequence of information received ....". That the Principal did not ask for Police intervention is quite clear, Sir. May I then ask, who was it that requisitioned the services of the Police? Is it the Chief Police Officer or the Minister in charge of the Police Department? I pause for a reply. Sir, in the absence of any reply it is presumed that it is the Hon'ble Home Minister in charge of Law and Order who requisitioned the services of the Police. To do what, Sir? It is to ravish—the word used may be strong—to ravish the sanctity of this educational institution. With regard to the attitude of the students of the Islamia College, the Hon'ble Chief Minister has made his position further clear. He has stated: "I cannot but feel the utmost sympathy for the boys of the Islamia College who have behaved splendidly throughout a most difficult situation and who have always shown the utmost readiness to submit to discipline", and he has also said that they were sent for not

by the Principal who had been doing all he could do to keep the students under control and to allow things to settle down to the normal without interference of any kind by anybody. Sir, possibly the Minister in charge of the Home Department had not the patience to leave the matter entirely to the Principal of the College, who is the best judge to take any action he thought fit for that incident. Sir, I can say from my personal knowledge that the students of the Islamia College did not join the strike nor did they join the processionists. They have been very regular in their classes and on that day were more regular than usual. If anybody goes and sees the register of the college he will find that the attendance was more than usual that day. They had been in their classes attending to the lecturers. If the Hon'ble Home Minister meant business, if he had any experience of the police administration, the police should have stopped the procession in the streets but they did not do so and that with a purpose. When they assembled in front of the college and entered the college compound, it was the business of the Principal to protect his own college and its compound. What did the Police do? They interfered, they made *lathi* charges on the students and not satisfied with that they requisitioned more police and within a few minutes armed police, Gurkha police, full of glories, appeared on the scene and began *lathi* charges indiscriminately, so much so that they chased the students and I say from my personal knowledge that even Profesors have not been spared by the Police to the uttter shame of Law and Order. Sir, who are these students? Sir, these students fought the famous battle of Patuakhali, not only fought, but successfully fought and won the same battle of Patuakhali. It is these students who are the mainstay——

Mr. SPEAKER: I am afraid that is absolute beyond the scope of this discussion.

Mr. SYED JALALUDDIN HASHEMY: Sir, I was going to say that they fought the battle——

Mr. SPEAKER: They might have fought any battle, but for the time being they are students, that is all.

Mr. SYED JALALUDDIN HASHEMY: The students of the Islamia College always obey discipline. In this matter, Sir, we want to hear from the Vice-Chancellor that in future there will not be any such invasion. Sir, the sanctity of colleges should be preserved by the Vice-Chancellor of the College—(A VOICE: Vice-Chancellor of the University.)—I am sorry, by the Vice-Chancellor of the University.

Mr. SPEAKER: I know that you are not so ignorant as that!

Mr. SYED JALALUDDIN HASHEMY: My point is that even the University College students have not been spared by the Police.

Sir, as soon as I received the information I hurried to the college and I enquired about the injury received by students, and I saw to my utter surprise—and we have got experience of these sorts of outrages by the police during the days of the Civil Disobedience Movement started by the Congress—it surpassed all outrages, it broke all the records of the past. I saw to my utter surprise that one Mr. Waseque, President of the Students' Federation and one Mr. Anwarul Huq and several other students were not only severely assaulted but practically they were subjected to a blood-bath, I use the word blood-bath deliberately, and I saw marks of blood in the college premises here and there and on the walls. Sir, in the name of law and order, the Hon'ble the Home Minister intended to suppress the movement that is going on. But he forgets that each and every student of the Islamia College is like an incendiary bomb, and if it once hits the ministerial structure it will demolish its lock, stock and barrel, and reduce the ministerial structure to ashes. Sir, the Hon'ble the Home Minister is playing with fire, and he is thinking in a bureaucratic way that this police *zulum* will ultimately result in bringing the students to their knees, but, Sir, that is not to be. In this democratic age when every student feels the urgency, feels the call of freedom, it is impossible for the Police of this province to keep them in surveillance any longer. Sir, it was the business of the Police Chief as well as the Hon'ble Minister in charge of the Police Department to provide adequate——

Mr. CHARU CHANDRA ROY: On a point of order, Sir. I see a gentleman in the visitors' gallery taking notes. Is it permissible?

Mr. SPEAKER: I think there are surplus reporters on the top. You will have to gag the press if you stop that.

Mr. SYED JALALUDDIN HASHEMY: The Hon'ble Minister in charge when he contemplated the assault, and, Sir, I am of opinion that it has been done deliberately, he ought to have provided sufficient ambulance cars to carry the students from the scene of assault to the hospitals, but to my surprise no such arrangement was made for any ambulance car, but instead sufficient prison vans were ready to carry the assaulted and arrested students to jail. Sir, it was the business of the Home Minister when he received first information to go to the place and see things for himself, as was done by the Hon'ble the Chief Minister. (A VOICE: It was too hot for him.) I understand that the Hon'ble the Chief Minister met the students and expressed his regret as he has done in the morning and as he has done in the afternoon in

this House. The attitude, the mentality, the bureaucratic mentality of the Hon'ble Minister in charge of the Police would not persuade him to go to the place of occurrence to see the injured students and sympathize with their injuries. Sir, I would not have moved the adjournment motion at all in the face of the statement made by the Hon'ble the Chief Minister in this House. Sir, it is only to make a personal request to the Hon'ble the Chief Minister that I have tabled this adjournment motion. I request the Hon'ble the Chief Minister to resign immediately on this issue and at this opportunity and to reshuffle the Ministry with better persons and to do away with these undesirable elements in the Cabinet. Sir, this is the time and opportunity for the Prime Minister to reshuffle the Ministry. The Bengal Muslims are with the Chief Minister, and I am sure the Hindus also are with the Chief Minister. It is time for him to do away with these undesirable elements,—I say once more undesirable elements—from the Cabinet.

With these few words, Sir, I move my adjournment motion.

Mr. B. MUKHERJI : Mr. Speaker, Sir, আজকের এই স্থগিতের প্রস্তাব যে আমি সমর্থন কোরছি, সেটা হোচেচ বিশেষ কোরে এমন একটা ঘটনার জন্য যা সম্প্রতি ঘটেছে, এবং তাতে কোরে অন্ততঃ মুসলমান সমাজের দৃষ্টি যে আকর্ষিত হোয়েছে এটুকু কতকটা সৌভাগ্যের বিষয়। যে অসাধারণ হোম ডিপার্টমেণ্ট চালনার ফলে বাংলার জনসাধারণ বহু দিন ধোরে যে লাঞ্ছনা এবং পীড়ন ভোগ কোরছে আজ অন্ততঃ বাংলার আর একটী communityকেও যে তার অংশ গ্রহণ কোরতে হোচ্ছে এবং তারজন্য যে বেদনা, যে দুঃখ অনুভব কোরতে হোচেচ, সেটাতে বাংলার জাতিবর্ণ নির্বিশেষে সমস্ত সম্প্রদায়ই যে বেদনা অনুভব কোর্‌ছে, অন্ততঃ এই পীড়ণ ও ব্যাথার মধ্যে এই এত বড় লাঞ্ছনার মধ্যেও সেইটুকুই একটু উজ্জ্বল দেখা যায়। এ অবস্থায়, আজকে হলওয়েল্ মনুমেণ্ট সরানো হোক বা না হোক সেটা তত বড় কথা নয়; তার চেয়ে বড় কথা—কি ভয়ঙ্কর ঔদ্ধত্যও স্পর্দ্ধা হোয়েছে বাংলা দেশে পুলিশ-বাহিনীর এই অভিজাত ও অপূর্ব্ব রকমের হোম মিনিষ্টারের চালনা দ্বারা। তাঁদের কোন কিছুই পবিত্র নয়,—তাদের লাঠির তলায় কারো মাথা বাঁচাবার যো নাই। এমন কি ইস্‌লামিয়া কলেজের প্রিন্সিপাল, যিনি অত্যন্ত শ্রদ্ধেয়, যাঁর পাণ্ডিত্যকে সমস্ত বাংলার এমন কি সমস্ত ভারতের পণ্ডিতেরাও সম্মান করেন তাঁরও ব্যক্তিত্বের মর্য্যাদা—তাদের কাছে—সেই সামান্য পুলিশের কাছে খর্ব্ব হোয়ে যায়; এবং তাঁকেও roughly handle কোরতে তাঁদের কিছুমাত্র দ্বিধা হয় না,—এতদূর পর্য্যন্ত পুলিশের স্পর্দ্ধা! যদি আজ হোম মিনিষ্টারের প্রশ্রয় না থাক্‌তো তাহলে তাদের আর এই স্পর্দ্ধা করবার সম্ভাবনা ছিলো না।

আমাদের হোম মিনিষ্টারের আদর্শ হোচেচ—তিনি ভাবেন যে কোন প্রকারে শান্তি এবং শৃঙ্খলা—law and order, তথা কথিত discipline—এই সমস্ত বাংলায় থাকে। এবং তাঁর শান্তির ধারণা কি? সে শান্তি—কবর এবং শ্মশানের

শান্তিই তিনি চান। তিনি চান—সমস্ত বাংলা নির্জীব, নির্ব্বাক হোয়ে থাক, এবং খুব ভালো হয় যদি হোম ডিপার্টমেণ্টে যমরাজকে আহ্বান কোরে এবং আহ্বান কোরে এনে তার হাতে ভার সমর্পণ কোরে দেন, তাহলে বাংলায় যে অশান্তি সে আর আস্‌তে পারবে না, জীবনের এতটুকু স্পন্দন আর দেখা যাবে না—তাহলে মনে হয় স্যার নাজিমুদ্দিন তৃপ্ত হোতে পারেন। তিনি মনে করেন—হোম ডিপার্টমেণ্ট সামর্থের সঙ্গে চালনার ফলে বাংলায় আর এতটুকু জীবনের স্পন্দন দেখা যাচ্ছে না এই অবস্থাটা যখন ব্যাপকভাবে দেখা যাবে তখনই তাঁর হোম ডিপার্টমেণ্ট চালানো স্বার্থক হবে এবং এইটাই তিনি মনে করেন তাঁর জীবনের আদর্শ। কিন্তু তাঁর জানা উচিত, Democratic Institutionএর একটা ডিপার্টমেণ্ট তিনি আজ চালাচ্ছেন; এ ক্ষেত্রে হোম মিনিষ্টার হোতে গেলে, তাঁর দুই শতাব্দী পূর্ব্বেকার পুরাণো পচা যে ধারণা সেটা বোদ্‌লে দেওয়া উচিত। দুর্ভাগ্যক্রমে তিনি দুই শতাব্দী পরে জন্মগ্রহণ কোরেছেন। তিনি যদি তাঁর এই নবাবী মেজাজ নিয়ে সপ্তদশ শতাব্দীতে জন্মাতেন, এবং তাঁর এই শান্তি ও শৃঙ্খলার আদর্শ নিয়ে চোলতেন, তাহলে সে যুগে বিশেষ প্রশংসা লাভ কোরতেন। কিন্তু দুর্ভাগ্যের বিষয় বিংশ শতাব্দীতে এরকম চলে না। তিনি মনে করেন তাঁর বর্ত্তমান অনুসৃত শাসন-প্রণালী দ্বারা বাংলাদেশে শান্তি ও শৃঙ্খলার মর্য্যাদা রক্ষিত হোচেচ, কিন্তু এ কথা আজ তাঁকে ভালো ক'রে জানিয়ে দিচ্ছি বাংলার এই সব অশান্তিও বিক্ষোভের মূলে রয়েছে তাঁরি অনুষ্ঠিত কার্য্য কলাপ। তিনি একটার পর একটা এমন সব কাজ কোরে থাকেন যাতে কোরে অশান্তিরই সৃষ্টি হয়। যেহেতু তিনি জীবনের রহস্য জানেন না, যেহেতু স্বাধীনতার স্পৃহা তাঁর জীবনকে উদ্ভাসিত করেনি,—জাতীয়তার উচ্চ আদর্শ, জাতীয় জীবনের আবেগময় স্পন্দন প্রভৃতি যে সমস্তের ভিতর দিয়ে মানুষের মনুষ্যত্ব ফুটে ওঠে সে সব কিছুর সঙ্গে পরিচয় তাঁর নাই বোলে তিনি মনে করেন যে লৌহ শাসন দিয়েই আদর্শ ও জীবনকে শেষ কোরে দেবেন। তাই তিনি অনবরত,—নির্বিবাদে হোম ডিপার্টমেণ্টের অধ্যুষিত ঘরের ভিতর থেকে একটার পর একটা অর্ডিনান্স ছেড়ে দিচ্ছেন; এবং এক একটা অর্ডার দিয়ে দেন আর বোধ হয় মনে করেন সমস্ত বাংলা একেবারে মূর্চ্ছিত, শান্ত, মৃত হোয়ে যাবে। কিন্তু তাঁদের এক একটা অন্যায় অনুশাসন ও প্রত্যাদেশের ভিতর দিয়ে যে শক্তির ঔদ্ধত্য স্পন্দিত হোয়ে ওঠে সেই ঔদ্ধত্য শক্তিই আজ বাংলা জুড়ে অশান্তি আনয়ন কোরছে।

আর একটা কথা হচ্ছে এই, নিজেদেরকে সর্ব্বত্রই popular Ministry বোলে পরিচয় দিতে তাঁদের সর্ব্বদাই সমুৎসুক দেখা যায়। কিন্তু দেশে যদি কখনো কোন রকম popular sentiment জাগ্রত হয় তাহলে popular Ministryর কার্য্য তৎক্ষণাৎ তাকে স্বীকার কোরে নেওয়া, আমাদের এমনি দুর্ভাগ্য যে জনসাধারণের দাবিকে অবনত মস্তকে স্বীকার করা তো দূরের কথা সেখানে তাঁরা কথা তোলেন প্রেষ্টিজ্ ও সম্ভ্রমের! আজও তাঁদের এতটুকু সম্ভ্রমজ্ঞান হয় নাই; আজো তাঁরা মনে করেন—তাঁদের অধস্তন কর্ম্মচারী পুলিশ কমিশনার অথবা Writers' Buildingsএর সেক্রেটারীদের আদেশ শিরোধার্য্য করা তাঁদের সম্ভ্রমে আটকায় না। সম্ভ্রমে আটকায়—যারা সত্যিকারের প্রভু যাদের ভোটের উপর নির্ভর কোরতে হয়, যাদের

কাছ থেকে এই শাসনাধিকার তাঁরা পেয়ে এসেছেন, তাদের আদেশ শিরোধার্য্য কোরতে পেলে! আশ্চর্য্য হোয়ে ভাবি তাঁদের এই অসাধারণ প্রেষ্টিজের জ্ঞান দেখে! তাই আমি বোল্‌ছিলাম যে হোম্ মিনিষ্টার অন্ততঃ দুই শতাব্দী পূর্ব্বেকার পুরোণো পচা ধারণা নিয়ে আজও যদি বোসে থাকেন, তাহলে ঢের ভালো হয় যদি তিনি পদত্যাগ করেন; না হয় তো তাঁর আদর্শ ত্যাগ করুন, ধারণা বদলান যা নাকি misplaced হোচেচ। আমাদের কথা হোচেচ এই যে এই ধারণা নিয়ে আজকে চলে না। সত্যিকারের মর্য্যাদা রক্ষা হয় সম্ভ্রম রক্ষা হয় তখন যখন popular demand, কোনো দিন জনসাধারণের কাছে থেকে যে দাবি আসে,—সেই দাবিকে স্বীকার কোরে নেওয়া। তাঁরা অনেক দিন পূর্ব্বে থেকে স্বীকার কোরে নিয়েছেন যে হল্‌ওয়েল্ মনুমেন্টকে সরানো উচিত। এ বিষয়ে মতদ্বৈধ নাই। এ বিষয়ে কোনো বাধা বিপত্তিও নাই। জানিনে বাধা বিপত্তির কথা এতদিন উঠেছে কোথা থেকে! যাদের গরজে মনুমেন্টটা প্রতিষ্ঠিত যে সাম্রাজ্যবাদের প্রতিনিধি লর্ড কার্জন এ মনুমেণ্টর প্রতিষ্ঠাতা, যদি কিছু বাধা আস্‌বার থাক্‌তো তাহলে তাঁর দেশীয়দের কাছ থেকেই আস্‌বার কথা ছিলো, যেখানে হাত জোড় কোরতে মিনিষ্টার-দের সম্ভ্রম বা প্রেষ্টিজে ব্যাহত হয় না;—যখন তাঁরা দেখ্‌তে চান তাঁদের মাষ্টাররা কি নির্দ্দেশ দেন বা না দেন সেদিকে হাত উঠিয়ে থাক্‌তে তাঁদের সম্ভ্রমে আটকায় না, এবং তাঁদের আদেশ নির্ব্বিবাদে মেনে নিয়ে থাকেন। কিন্তু সত্যিকারের মাষ্টার জনগণ যখন কোন কিছু নির্দ্দেশ দেয় তখন তাঁরা বলেন জনগণের দাবিতে সাড়া দিতে,—যারা সত্যাগ্রহ কোরেছে তাদের দাবিতে সাড়া দিতে গভর্ণমেণ্টের প্রেষ্টিজে বাধে। এই হচেচ তাঁদের সম্ভ্রমজ্ঞান! এ রকম সম্ভ্রমজ্ঞান নিয়ে democratic institution চলে না। Popular Ministerরা সম্ভ্রমজ্ঞান সেখানে দেখাতেন—যদি তাঁরা জন-সাধারণ তাঁদের সত্যকারের প্রভু—একথা ভাব্‌তেন। যদি তাদের দাবি এঁরা স্বীকার কোরে যান তৎক্ষণাৎ অশান্তির যে বীজ সেটা প্রথমেই লুপ্ত হয়। এটা যদি তাঁরা কোরতেন তাহলে জনসাধারণের একটার পর আর একটা বিক্ষোভের কারণ ঘট্‌তো না, কিন্তু আমাদের মিনিষ্টাররা সে পথে না চোলে পাছে জনসাধারণের ভিতর এই সত্যা-গ্রহের সংবাদ পড়ে, পাছে তাদের মধ্যে কোন আলোচনা হয়, সেই জন্য সংবাদপত্রগুলিকে অর্ডার দিলেন জনসাধারণের মধ্যে এটার প্রচার বন্ধ কোরতে হবে। জনসাধারণের প্রতি এই অবজ্ঞা, এই ঔদাসীন্য দেখাবার সুবিধা তাঁদের কোথা থেকে আসে? যেহেতু আজও আমাদের জনসাধারণের ভিতর সত্যিকারের গণতান্ত্রিক মনোভাব পরিলক্ষিত হয় না, যেহেতু ফুটে ওঠেনি তাদের প্রাণে স্বাধীনতার আকাঙ্খা, যেহেতু তাঁরা দেখ্‌তে পান যে যারা নাকি জনসাধারণ তারা এতটা পিছিয়ে আছে যে তাদের এ রকম আদেশ দেওয়া বা অর্ডার মানানো কঠিন হবে না, সেই জন্যই তাঁরা অসঙ্কোচে সংবাদ আদান প্রদান পর্য্যন্ত বন্ধ কোরতে সাহসী হন।

আজকে স্কুল কলেজের ছাত্রদের শায়েস্তা কোরতে হলেই disciplineএর দোহাই উঠে। কিন্তু আজকের দিনে যে নাকি অন্ততঃ college students সে মনে করে সেইটেই হলো প্রকৃতপক্ষে discipline যেটার দ্বারা প্রাণের স্ফুরণ হয়; যে discipline মৃতুকে এগিয়ে আনে তাকে students বা যুবকেরা disci-pline বোলে মনে কোরতে পারে না। যদি আজ মুসলমান সমাজ চান

যে তাঁদের ছাত্রেরা তাঁদের যুবকেরা জেগে উঠুক, বড় হোক, বাংলার, ভারতের সর্ব্বত্র তাদের ন্যায্য অংশ পাক তাহলে তাঁদের পক্ষে সব চেয়ে বড় কর্ত্তব্য হবে তাঁদের ছাত্রদের যুবকদের ভিতর প্রাণের স্পন্দন, জীবনের সাড়া যে disciplineএর দ্বারা আস্‌তে পারে তাদের ভিতর সেই discipline নিয়ে আসা। সে discipline হলো স্বেচ্ছায় নিজেদের সংযত করা, কিন্তু কোন ক্ষেত্রেই আদর্শকে বিসর্জন দিয়ে ভীতি, পীড়ন বা শাসনের ভিতর দিয়ে অত্যাচারকে মেনে নেওয়া নয়। সে discipline দ্বারা কোন জীবন্ত জাতি তৈরী হয় না, সেটা দ্বারা তৈরী যা হয় সে হোচ্চে slave আর slave-mentality। অতএব মুসলমান সমাজের কর্ত্তব্য হোচ্ছে ইস্‌লামিয়া কলেজের ছাত্রবৃন্দ যারা নাকি আজ জীবনের সাড়া প্রাণে স্পন্দন দেখিয়েছে তা নিজের চোখে দেখে আসা। এ সম্পর্কে মহামান্য Chief Minister মহাশয় তাঁর statementএ ইস্‌লামিয়া কলেজের studentদের প্রতি যে সহানুভূতি প্রকাশ কোরতে চেয়েছেন তার ভিতরেও তিনি সেই পুরাতন disciplineএর কথা উল্লেখ না কোরে পারেন নি, এতে কোরে যুবক আর বৃদ্ধের পার্থক্যটা বেশী কোরে পরিস্ফুট হোয়েছে। তিনি যে regret প্রকাশ কোরেছেন তার ভিতরও পুলিশের এই অকারণ ঔদ্ধত্যকে যথেষ্টরূপে justify করা হোয়েছে; democratic institutionএর প্রধান মন্ত্রী হোয়েও তিনি তাঁর আশী বছরের পুরাণো ধারণা ত্যাগ কোরতে পারেন নি।

তিনি তাঁর regret প্রকাশের ভিতর দিয়েও বিশেষভাবে এই কথাটা জানিয়ে দিয়েছেন—আজকে studentরা যে কাজ করার জন্য ইস্‌লামিয়া কলেজে পুলিশ এবং সার্জেণ্ট এসেছে ছাত্রদের উপর বেটন পোড়েছে ভবিষ্যতেও যদি তারা এই রকম কাজ করে তাহলে ভবিষ্যতেও পুলিশ এবং সার্জেণ্ট আস্‌বে এবং তাদের উপর বেটনও পোড়বে। শুধু তাই নয়, ওয়াসেক সাহেবের মতন একজন মাননীয় ছাত্রনেতাকে হাস্‌পাতালে যেতে হবে আর বজ্রপাতও হবে। এবং এই সমস্ত জিনিষগুলি যে এর পরও বার বার ঘোট্‌বে সে সম্বন্ধে যে দস্তুর মতন সম্ভাবনা রয়েছে সেটা দেখিয়ে দিতে তাঁরা একটুও সঙ্কুচিত হন নি।

সেইজন্য আমি আজ আমার বিপরীতমুখী বন্ধু যাঁরা আছেন তাঁদের কাছে আজ আবেদন কোরছি—অন্ততঃ একটি বারের জন্য তাঁরা দেখান,—এ বিষয় যে তাঁরা ব্যাথা অনুভব করেন কালকের জন্য যে অন্ততঃ তাঁরা মর্ম্মবেদনা অনুভব কোরেছেন তার জন্য কর্ত্তৃপক্ষকে শুধু পার্টির ভিতর তিরস্কার করাই যথেষ্ট নয়, সমস্ত বাংলার চারি দিকে যে ঘটনার জন্য চাঞ্চল্য প্রকাশ পেয়েছে—অন্ততঃ তার তিরস্কার publicly হওয়া উচিত। সেইজন্য আমি আবেদন কোরছি একবার আপনারা এই মন্ত্রীমণ্ডলীকে তিরস্কার দিন, সে তিরস্কার আপাততঃ তাঁদের উপলক্ষে হলেও পোড়বে গিয়ে তাঁদের ঐ পুলিশবাহিনীর উপর—যারা অন্ততঃ বুঝবে যে বাংলার এসেম্‌ব্লি আর এমন ভাবে প্রশ্রয় দেবে না যে তাদের যা ইচ্ছা তাই কোরবে, কোন কিছুরই sanctity রক্ষা না কোরে তাদের অত্যাচার তাদের লাঠি তারা চালিয়ে যাবে। আমি জানি এতে মিনিষ্ট্রির পতন হবে না, তাঁদের আসন টোল্‌বে না। যে গভর্ণমেণ্ট বাংলা দেশে আজ চোল্‌ছে তার পরিবর্ত্তনের সম্ভাবনা এতে নেই, কিন্তু একটা public admonitionএর প্রয়োজন

হোয়েছে—পুলিশের ঔদ্ধত্য থামাবার জন্য এবং হক্ মিনিষ্ট্রির দুশো বছরের পচা মনোবৃত্তি ও ধারণা বোদ্‌লে দেবার জন্য। তাই আমি আমার বিপরীতমুখী বন্ধুদের আবেদন কোরছি এই admonition দেবার জন্য তাঁরা যেন adjournment motionটাকে support করেন।

Maulvi GIASUDDIN AHMED: সভাপতি মহাশয়, ইস্‌লামিয়া College এর ছাত্রদের উপর পুলিশের লাঠি চালনার ফলে আমার বন্ধু হাসেমি সাহেব যে মুলতবী প্রস্তাব এনেছেন সে প্রস্তাব সমর্থন করতে যেয়ে আজ কতকগুলি কথা বলা আমি প্রয়োজন মনে কোরছি। আমাদের মাননীয় মন্ত্রীমহোদয়েদের দেশ বিদেশের ইতিহাস স্মরণ থাকা উচিৎ ছিল, পৃথিবীর ইতিহাস তাঁদের কিছু কিছু জানা উচিৎ ছিল। পৃথিবীর সমস্ত দেশেই ন্যায়ের জন্য এবং ন্যায়সঙ্গত অধিকার আদায় করবার জন্য, সেই সকল দেশের ছাত্র এবং যুবকেরা চিরদিন আন্দোলন কোরে থাকে। আজ হলওয়েল মনুমেণ্ট উঠান ব্যাপারে বাংলা দেশে যে ছাত্র আন্দোলন চোলেছে সেই আন্দোলনে ইসলামিয়া কলেজের ছেলেরাও হয় তো যোগ দিয়াছে। সেই আন্দোলন সম্পর্কে এমন একটা লোকও বাংলায় কেন, সারা পৃথিবীতে আছে কিনা, যে এই আন্দোলনকে অন্যায় বোলে প্রতিপন্ন কোরতে পারে?

আজ হলওয়েল মনুমেণ্টকে উঠিয়ে দেবার জন্য বাংলার সমস্ত community এমন কি European section পর্য্যন্ত এটাকে উঠিয়ে দেবার জন্য অনুমোদন করছেন। এই আন্দোলনের ন্যায়সঙ্গত কথা বলতে গিয়ে আজ ইসলামিয়া কলেজের ছাত্ররা যে ভাবে পুলিশের হাতে পাশবিক অত্যাচার সহ্য করেছেন তার নিদর্শন অতি কম। এরকম ঘটনা পূর্ব্বে আরো অনেক ঘটেছে আমাদের দেশে, এবং তার নিদর্শন আছে, কিন্তু পৃথিবীর অন্য কোথাও এরূপ ঘটেছে কিনা জানি না। আজ অনারেবল্ চিফ্-মিনিষ্টার সাহেব regret করে যে statement করেছেন সেটা আমরা appreciate করছি বটে, কিন্তু সঙ্গে সঙ্গে এ কথাও বল্‌ছি স্বরাষ্ট্রসচিবের স্থানে যদি অনারেবল চিফ্-মিনিষ্টার মৌলবী ফজ্‌লাল হক্ সাহেব থাকতেন তাহলে ছাত্রদের প্রতি এই পাশবিক অত্যাচার করার জন্য তিনি হকুম দিতে পারতেন না বলে আমি বিশ্বাস করি। বহুদিনের আমলাতান্ত্রিক গভর্ণমেণ্টের বিশ্বাসী মন্ত্রী স্যার নাজিমুদ্দিন তাঁর আমলাতান্ত্রিক মনোবৃত্তির কিছুই পরিবর্ত্তন কোরতে পারেন নাই সেইজন্যই স্বরাষ্ট্র সচিবের পক্ষে এরকম হকুম দেওয়া সম্ভব হোয়েছে।

আমার বন্ধু হাসেমী সাহেব চীফ্ মিনিষ্টারের ষ্টেট্‌মেণ্ট দ্বারা প্রমাণ কোরেছেন যে কলেজের প্রিন্সিপাল বা আর কেউ পুলিশকে ডেকে আনে নাই। তাহলে নিশ্চয় হোম মিনিষ্টার স্যার নাজিমুদ্দিনের নিজের হুকুমেই পুলিশ এসে এই অত্যাচার কোরেছে। সঙ্গে সঙ্গে আমি বোল্‌তে চাই বর্ত্তমান গভর্ণমেণ্ট চলার আমল থেকেই বাংলাদেশে শুধু ছাত্রদের উপরই নয়, জনসাধারণের উপরও জনসাধারণের চাকর পুলিশ যে অত্যাচার কোরে আস্‌ছে এর প্রমাণ যথেষ্ট আছে। আমরা জানি ইউনিভারসিটি ইন্‌ষ্টিটিউটে যখন জমিয়ৎউল্-উলেমার কন্‌ফারেন্স চলতে ছিল সেখানে যখন সারা ভারতের গণ্যমান্য আলেম-উলেমার

উপস্থিত ছিলেন সে সময় বর্ত্তমান গভর্ণমেণ্টের পুলিশ উপস্থিত থাকা সত্বেও গুণ্ডারা যে অত্যাচার কোরেছিল সে সমস্ত বর্ত্তমান স্বরাষ্ট্র সচিবের ইঙ্গিতেই যে হয়েছে একথা বিশ্বাস কোরতে আমরা বাধ্য। সুতরাং একথা সঙ্গে সঙ্গেই ওঠে—বর্ত্তমান গভর্ণমেণ্ট যে চোলেছে এটা কোন নীতিও বলে চোলেছে? এখন সেকথা বিবেচনা করবার সময় এসেছে। আমার কোয়ালিশন দলের বন্ধুদের বোলছি এখন তাঁদের এদিকে দৃষ্টি দেওয়ার সময় এসেছে। আমরা চিরদিন এই রকম অত্যাচার ভোগ কোরতে থাকবো কিনা সে সম্বন্ধে তাঁদের চিন্তা করা উচিত। আমি বিশেষ ভাবেই জানি যে বাংলার যুবক জানে বাস্তবিক অত্যাচার যারা করে তাদের সে অত্যাচারের প্রতিকার কি কোরে কোরতে হয়। সে পথের সন্ধান বাংলার যুবকেরা জানে। তবে বাংলার মুসলমান ছাত্ররা এ সব পথে এতদিন চলে নাই। কিন্তু স্বরাষ্ট্র সচিবের কার্য্যাবলিতে বাংলার মুসলমান যুবক ও ছাত্ররা সেই পথে চোলতে বাধ্য হবে।

আর একটা কথা তাঁহাকে স্মরণ করিয়ে দিচ্ছি, আমলাতন্ত্র গভর্ণমেণ্টের সময় তিনি যখন এডুকেশন মিনিষ্টার ছিলেন তখন টেলার হোষ্টেল উঠিয়ে দেবার প্রস্তাবের ফলে মুসলমান ছাত্রদের প্রতিবাদের দরুণ কিরূপ অবস্থা হোয়েছিলো? মিনিষ্টার মহোদয়ের অর্ডার তারা কি কোরে উল্টে দিয়েছিলো, সে কথা আশা করি তিনি একেবারে ভুলে যান নাই। যুবকদেরও মান মর্য্যাদা বোলে একটা জিনিষ আছে। সেটা যদি থাকে তাহলে তারা অত্যাচারের প্রতিকার নিজেরাই কোরতে পারে। Hon'ble Chief Ministerএর statementএ অনেকেই হয়তো সুখী হোয়েছেন ও অনেকেই হয়তো মনে কোরছেন এর পরে বলবার আর কিছু নাই, সেইটে গ্রহণ কোরে চুপ কোরে থাকা উচিত। কিন্তু ব্যাপার এত সহজ নয়। পুলিশ লেলিয়ে দিয়ে ছাত্রদের লাঠিপেটা কোরে রক্তারক্তি কোরে দেওয়া হোয়েছে। আমরা নিজেরা দেখে এসেছি মিঃ ওয়াসেক এর হাতে এবং আরও অনেক জায়গায় যখন হোয়েছে এবং সে হাসপাতালে এখনো আছে। আনওয়ার হোসেনকে আমরা ঘটনার ৩।৪ ঘণ্টা পরও হাসপাতালে অজ্ঞান অবস্থায় দেখেছি। কাজেই পুলিশ কি রকম অত্যাচার কোরেছে এই সব অবস্থা দ্বারাই আপনারা বুঝবেন। আমার আরো বলবার ছিলো কিন্তু সময় অভাবে বলা হবে না।

আজ কোয়ালিশনদলের মেম্বরদের নিকট এই অনুরোধ—মুসলমান ছাত্রদের মান মর্য্যাদা রক্ষার দায়িত্ব আপনাদেরও আছে। তাদের উপর যে পাশবিক অত্যাচার হোয়েছে তার কথঞ্চিৎ প্রতিকারের জন্য এই এড্‌জর্ণমেণ্ট মোসন্ আপনারা সকলে সমর্থন কোরবেন। এই মোসন্ সমর্থন কোরলে মন্ত্রীদের সিংহাসন যে খোসে যাবে তা নয়। অতএব আপনারা নিজ নিজ বিবেকের কাছে জিজ্ঞাসা কোরে কাজ করুন। কারণ বাংলার যারা আজ যুবক এবং ছাত্র তারা হিন্দুই হোক আর মুসলমানই হোক তারাই কালে বাংলার ভবিষ্যৎ গঠনকর্ত্তা হবে; কাজেই তাদের উপর যদি অত্যাচার হোয়ে থাকে সেটাকে সারা বাংলার উপর অত্যাচার হোয়েছে বোলে ধোরে নিতে হবে। মুসলমান ছাত্রদের উপর অত্যাচার হোয়েছে বোলে যদি অপর সম্প্রদায় চুপ কোরে থাকেন তাহলে কাল সারা বাংলার উপর অত্যাচার হবে। সেইজন্য আমি বোলছি এখনো সময় আছে, এই প্রস্তাব সমর্থন কোরে আপনারা দেখিয়ে দিন যে যা ন্যায় এবং সঙ্গত সেই দাবী করিতে আমরা সকলেই রাজি আছি।

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, Sir, the discussion before this House to-night is a discussion which, I submit, Sir, with all the emphasis that I can command, should be too deep for tears. This should not be an occasion for mutual recrimination. We have to consider very great questions of principle. Therefore I am addressing you and through you the House not by way of supporting an ordinary adjournment motion, the chief purpose of which is to censure the Government of the day. The unfortunate incident which took place yesterday within the sacred precincts of one of the best educational institutions in Bengal is an incident which should compel thoughts amongst even the most thoughtless amongst ourselves. I have not got sufficient facts at my control to be able to give a historical narrative as to the incidents, as to the circumstances which led up to this tragic incident especially in view of the assurance given by our distinguished friend the Hon'ble the Chief Minister in the earlier part of the sitting of to-night. I do not think, Sir, any useful purpose would be served if I were to narrate the circumstances which have led up to this tragedy. The Hon'ble the Chief Minister desires the appointment of a Committee of Enquiry. I hope this Committee of Enquiry will be given large powers, so that it may make recommendations for the future governance of our students in schools and colleges. I hope that this Committee of Enquiry should consist of men of experience not only in the art of politics but also in the art of education as well. I hope that this Committee of Enquiry should be an absolutely impartial committee of enquiry. Its task will indeed be heavy. It will have on the one hand to fight against the dominant tendency of the country standing perhaps on the verge of revolution the tendency to exploit the inflammable youths for political purposes; on the other hand it will be the task of this Committee of Enquiry to safeguard the legitimate interests of educational institutions. Mr. Speaker, Sir, I see round me many graduates of Western Universities. They know how discipline in those Universities is maintained. For instance, I see graduates on the other side of the House of the Universities of Oxford and Cambridge looking at me. They are familiar with the Vice-Chancellor's court.

Sir, seven years ago such an unfortunate incident happened within the precincts of the University of Calcutta. The Police trespassed into the University premises and unprovoked assaults followed—assaults upon innocent boys and girls. One of the persons assaulted was the son of a very distinguished Government official and the Chancellor of the day made ample amends at least to that particular student. I have read the statement of the Hon'ble the Chief Minister with the greatest attention that it deserves and I hope the Hon'ble the Chief Minister is not merely expressing his deep sense of regret only for unprovoked assaults on innocent persons. A great question of principle is involved in the case of either breaches of discipline or efforts to maintain law

and order inside the premises of educational institutions. May I suggest to the Hon'ble the Chief Minister that in future in cases of indiscipline inside college or school premises, the question of discipline may be left entirely either to the Principal or to the Head Master concerned, and if the Principal or the Head Master concerned finds it impossible to maintain law and order it will then be necessary for them to seek the protection of the agents of law and order and then the information will be received at the office of the Hon'ble the Home Minister but not till then? Let not trespass into educational institutions be encouraged on the pretext of maintaining law and order. Sir, I was surprised to read in the papers this morning that a distinguished member of the Upper House has also been put under arrest. But as I was coming to attend the session to-night I found that distinguished member here beaming with delight. The episode, Sir, seems to be almost a tragi-comic. If that is so, let us hope with the assurance of the Hon'ble the Chief Minister that the episode which had begun with a tragedy might have the epilogue of delight for each and every one of us.

I am glad, Mr. Speaker, to find the Hon'ble Chief Minister making an announcement about the removal of a symbol. I will not refer, Sir, specifically in view of your past ruling to that unmentionable symbol which stands only as a symbol but after all, Mr. Speaker, the word symbol has a great significance, for instance, when the soldiers of a country fight for their flag, it is for a symbol alone that they lay down their lives. When, for instance, the fury of one of the greatest revolutions of the world burst upon the effete survival of feudalism in Europe, when for instance, the prison-house of Bastille was stormed, it was stormed only against a symbol, for, history records that there were only 8 prisoners inside those well known war-worn and now-forgotten walls. Mr. Speaker, when once more even the other day Mr. Hitler in connexion with his ravages in Europe took away that symbol of what is supposed by him to have been the humiliation of Germany to Berlin, viz., a small wagon, a small carriage which our Government provides for our Hon'ble Ministers for their safe sojourn on the hill-tops where they usually cool their heads. That, again, Sir, was a symbol and therefore, Sir, throughout the world men have fought, men have died, men have rested their thoughts and men have obtained their laurels only on symbols and that symbol, Mr. Speaker, to which reference cannot be made, if that symbol, Sir, is a symbol of something which cannot be mentioned because as I find the Hon'ble Home Minister deeply interested in some confidential document, that symbol, Sir, if it is a symbol of ignominy, that symbol may just as well be removed to save the people from sentiment of ignominy. Sentiment, Mr. Speaker, like symbol has its uses in this world. Sentiment need not be brushed aside and a Government which calls itself a popular Government, which rests upon the suffrage of an expanded electorate

is a Government which can neither ignore the symbol, nor the sentiment of the people at large. Mr. Speaker, I hope, Sir, that in the years to come, such tragic incidents inside the sacred precincts of educational or religious or even charitable institutions shall not be repeated. I know, Sir, that the protectors of Law and Order will demand a corresponding obligation from those who come into conflict with law and order. But remember, Sir, that law has not throughout the ages, throughout the centuries through which the world has passed, remember, law and order have not necessarily been ethics. Therefore my humble appeal to the guardians of Law and Order is that by all means let law be ministered, but, the guardians of law and order need not necessarily emulate Lord Byron's famous Hero-Albion's Lawless Chief, whose lawless word was law.

I have finished, Sir.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Mr. SYED NAUSHER ALI: Sir, I rise to lend my wholehearted support to the motion for adjournment moved by my honourable friend Mr. Syed Jalaluddin Hashemy. Sir, I feel it extremely difficult to congratulate the Ministry on their farsightedness in this affair. The Hon'ble the Chief Minister has made a statement to-day. I am almost definite that if he had taken steps a little earlier and made this statement, much of the unpleasantness would have been avoided, and perhaps he would have earned the gratitude, if not of all, but of many members of this House and also of people outside this House.

Sir, coming to the statement itself, it appears to me that it is neither complete nor satisfactory. In these days of the rule or rather abuse of the Defence of India Act and the rules framed thereunder, and of rigorous censorship and of the banning of news, it is almost impossible to get any correct or complete news with regard to any matter through the press and news agencies. Under these circumstances, we are left mostly to conjecture and if I make a statement in this House with regard to the incident, perhaps a member from the other side will at once jump up and say that the statement is incorrect. Therefore, it becomes extremely difficult for us to say anything with any amount of definiteness or certainty. It was, I submit, most imperative under these circumstances that the Hon'ble the Chief Minister should not have been so brief in his statement. It would have been better and interesting and perhaps convincing not only to this House but to the whole of Bengal that is looking forward to learn what the Hon'ble the Chief Minister has got to say on this point, if he has not stopped short by simply expressing his regret for an incident which took place last evening. I expected that he would give an

official version at least. There are no difficulties with regard to it. But it might be said by my friends opposite that he has avoided it, because a Committee of Enquiry is going to be appointed, and therefore it was not right for him to make any statement with regard to the facts. Sir, with due respect to the Hon'ble the Chief Minister and to his colleagues this argument I at least cannot take as convincing. There are certain facts which are undisputed and indisputable. There is the medical certificate of persons injured. There is the fact, as far as I know, that Gurkhas entered the sacred precincts of the educational institution, the dearest institution of the Muslims of the Province, namely, the Islamia College, and I understand that it was done without the permission of the Principal—perhaps in spite of the objection of the Principal. It would have been better, as I say, if the Hon'ble the Chief Minister had made these points clear. But, Sir, it appears to me the reason for his silence on these points is not far to seek. He knows that his constituency, the constituencies of my honourable friends opposite, the entire Muslim community of Bengal, not to speak of the Hindus, are anxious to know it, and they want to know it from the mouth of the Hon'ble the Chief Minister, because publication of the facts will lose them whatever little popularity they have now got. (Laughter from the Coalition Benches.) I know you will be laughing and smiling and doing all sorts of things. Let the Ministry remain for good. Let my honourable friends come here year after year, and session after session to this House, adorn the benches get the benefit and serve the country in any way they think best. I have not the least grievance about that, but I am making it perfectly clear in this House that I am getting absolutely disappointed when I find that we have nothing in this House except recrimination, and discussion and debate and this House will show that we are absolutely unfit for self-government.

Now, Sir, let me come to the point. This is what struck me. I am only making my submission to you, Sir, and to the honourable members of this House. I submit, Sir, most respectfully that the public has got every right to know these things. If the Hon'ble the Chief Minister or the Hon'ble the Home Minister will be pleased to supply these materials, I at least will feel gratified and grateful. It is necessary that the facts should be made public so that the country may know all these things. That is all I desire. It appears to me that by the appointment of a committee, an attempt is made to shelve the matter. After six months or after a year a report will come out and all these things will be published, and people will think that as the Holwell Monument has been removed, there is no grievance. However, Sir, I repeat the public has got a right to know what the incident is, what are the facts and what is the genesis of the trouble, who is or who are responsible for requisitioning of the

Gurkhas; did the Principal object to the entry of the Gurkhas into the institution, or was the entry of the Gurkhas with the permission of the Principal? Sir, there is no difficulty, I think, in making a statement to the House to-night as to the names or the number of students or other persons, who have been injured and the nature of the injuries they have sustained, and in what condition they are now, the number and names of the students and other persons who have been arrested in this connection and where they are now and what Government propose to do with them in the near future. (Dr. NALINAKSHA SANYAL: Release them.) I do not know whether they will be released. That is what the public want to know. I have grave doubts if they will all be released. My friend Dr. Nalinaksha Sanyal will be disappointed if he hopes that Government will release them all. (Dr. NALINAKSHA SANYAL: We live in hopes!) (Rai HARENDRA NATH CHAUDHURI: We also live in hoax!)

Now, Sir, there is one more thing. A communal colour has been given to this matter. (Cries of "No, no" from the Coalition Benches and cries of "Yes, yes" from the Opposition Benches.) I say, Sir, that it has been done even by the Hon'ble the Home Minister. There were some statements made by the Hon'ble the Home Minister the other day. If I remember aright the Hon'ble the Chief Minister made a conflicting statement and spoke of Mr. Subhas Chandra Bose as the most lovable personality in Bengal politics—admired and respected by all. But, Sir, the Hon'ble the Home Minister attributed sinister motives to that very person. Perhaps both the statements are true, but to us, men with lesser calibre, it is impossible to reconcile these statements.

Now, Sir, it has been stated that the Holwell Monument will be removed. The question still remains when and where. I have every hope that it will be removed very soon, because it has already been stated that most of my friends of the Coalition have agreed to its removal. But the question of where still remains and in view of the compliments showered upon my white friends on my left by the Hon'ble the Chief Minister, I have grave misgivings in regard to it. I only hope that my misgivings will be found to be false by actual facts. (At this stage there was an inaudible interruption from a member of the Coalition Party.) Sir, owing to distance it is very difficult for me to catch the words of my friend opposite; otherwise, I would have replied to it.

The next thing that is of the utmost importance in this connection is that we want to know the facts. What has happened to the people who resorted to Satyagraha and courted arrest in connection with this monument? There were both Hindus and Muslims. What has happened to them or whether there has been any discrimination in the

matter of arrests of Satyagrahis for the removal of this Holwell Monument?

I must be in a hurry, Sir, because I find that my time is coming to an end. There is another thing to which I would draw the attention of the Hon'ble the Chief Minister. He has expressed regret to the students and staff of the Islamia College. Many other students were involved, and perhaps in their case the explanation will be that they were not justified in going there; hence this discrimination. There are, Sir, strong feelings in the country in regard to this matter. People may think—I am only repeating the expression used by the Hon'ble the Home Minister—that Government were inspired by a sinister motive. I submit, Sir, that all this has been done to keep the two communities, namely, the Hindus and Muslims, divided. (Rai HARENDRA NATH CHAUDHURI: Hear, hear.) But I am confident, Sir, that it will be very difficult now to keep the students of the two communities apart and create a gulf between them. I hope they will all join hands in matters in which they have common interest.

Now, Sir, the next thing that I want to speak about is with regard to the enquiry committee. We hope, and I would join in the appeal of my honourable friend Mr. Banerji, that this committee may not be constituted on party or communal considerations. In view of the very important point of principle involved it ought to represent the public as a whole. It ought to represent all shades of public opinion. Again, Sir, there is a misgiving because there is no time-limit as regards the submission of the report. We all know what happens to enquiry committees and their recommendations.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. W. A. M. WALKER: Mr. Speaker, Sir, as the time for this debate is drawing to a close, I shall in a very few sentences make the attitude of my party clear. Whilst we regret, Sir, that any innocent persons may have suffered injury in yesterday's incidents, we also very much more deeply regret the agitation which has led up to these incidents, and we hope, Sir, that punishment will be meted out to all those who have been responsible for instigating the incidents of yesterday afternoon.

It is to us, Sir, of the utmost importance that the police should know that they have the fullest support of all loyal persons throughout the province in administering law and order. My party deprecate the fact that a statement has been made to-day that a committee of enquiry is to be appointed to enquire into these incidents. They are of the opinion, Sir, that these incidents should more properly be referred through the ordinary departmental methods. They have the

fullest confidence in the Home Minister and his department, the efficiency of which is admittedly greater than that in any other province. (Mr. P. BANERJI: Question.) I hope, Sir, that it will be possible to give an assurance that before any question of a committee of enquiry is raised, the matter will be first dealt with by the ordinary channels of the Home Minister's department, and I should once again like to say that we of this party will give our fullest support to the Home Minister in carrying out whatever steps he may wish to take for the preservation of law and order in this province.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, this House has had occasions to discuss in the past many instances of alleged oppression by the police on innocent people. But, Sir, I would ask the House in the first instance to distinguish the present subject-matter from the class of cases ordianrily discussed on the floor of this House on such occasions, and the reason why, Sir, I ask the House to do so is more imperative because of the remarks, remarks which just fell from the Leader of the European Group. I ask him, Sir, and my other friends to remember that we are not discussing just now an ordinary phase of police oppression or police attack. We are discussing a case where the police entered the precincts of an educational institution and attacked students under circumstances which still have to be explained to the House and to the public. Sir, I believe that there must be members in the European Group who have passed through the portals of British Universities (Laughter from the Opposition Benches) (Rai HARENDRA NATH CHAUDHURI: Very few!) and I wish them to tell me: would it be imaginable for the police force say in Oxford, London or Cambridge to rush into a college or a university without the permisison or knowledge of the Principal or its Vice-Chancellor? (Cries of "Yes, yes" from the European members.) If, Sir, that is not possible—(Cries of "It is possible" from the European members)—I know it is possible and may be possible if things go wrong with Britain in the war; if Germany wins the war, everything might be possible (Laughter). But, Sir, I have had some experience of British universities and whatever my friends here may say, they may say, but I refuse to believe that without the permission, without even any request coming from the Principal or the head of any British educational institution, the police would rush into the precincts of an educational institution or university and belabour students. I refuse to believe it, and my friend who says that it is done, I ask him, Sir, after I sit down, to get up and give us here and now the details of that institution where such an incident occurred.

Now, the distinction I have made has to be made. When I heard yesterday of this incident, I did not at first believe that the incident could ever be true, because I claim to know the distinguished Principal who presides over the Islamia College to-day. I do not wish to conceal

from the House that I have deep admiration and regard for Mr. Zachariah, the Principal, and I could never believe that Mr. Zachariah was responsible for calling in the police unless he felt that the situation had gone entirely out of his control and there was going to be a riot which, of course, is not the case alleged by any one.

Then, Sir, I read the statement issued by the Hon'ble Chief Minister this morning. I may say, Sir, that that statement took my breath away. The statement in the first instance made an unwarranted distinction by a reference to "our boys of Islamia College" in particular. I do wish, Sir, that there may be some occasions when responsible members of the Government who may not belong to my community may look upon problems from a wider point of view and not always from this "our" point of view—the Rajshahi College point of view. Sir, there are students belonging to both communities—Hindus and Muslims—who are implicated in yesterday's incident, and if the police committed atrocities, if the police attacked individual students it is but right and proper that the regret should come from the Chief Minister of the Province in respect of all students without any distinction whatsoever on communal considerations, because I know, Sir, —I have it from some students themselves that they are not at all happy at the way in which this distinction has been deliberately made.

Now, Sir, the question arises as to how the police came into the Islamia College. It is said that the Principal of the College did not send for the police; it is said that the authorities of the institution, namely, the members of the Governing Body or the President of the Governing Body or even the Hon'ble Chief Minister who is the Minister of Education himself—they did not send for the police. The police came there suddenly. Supposing the police came there suddenly—let us take that that was true—probably in the first instance the police came there because there was some sort of disturbance inside an educational institution. What happend then? Did they consult the Principal? What was the occasion to reinforce the police by sending two lorryfuls of Gurkhas? By whose order and from whose brain this idea came that these two lorryfuls of Gurkhas must be sent to the Islamia College? There is no answer to that question whatsoever. Then what did the Gurkhas do? When the Gurkhas entered the Islamia College or the police who were in the Islamia College—did they make any distinction between innocent students and the students who were guilty? No. Did they enter into the college-rooms? They attacked students as they are accustomed to do and as we saw on previous occasions in the Presidency College where laboratories were invaded by the police and teachers and students were belaboured. A similar incident was also repeated in the University College buildings during the Civil Disobedience days when the police entered into the University and attacked students. Although it was claimed on that

occasion that the police came for certain specific purposes, there was no undue delay on the part of the authorities to admit that in those circumstances the interference of the police was unjustified. But now why should there be this hesitation on the part of responsible Ministers to say so and why should a distinction be sought to be made in the present case? The distinction is that the Cabinet have expressed to the Principal and staff and students of the Islamia College their deep and sincere regret, *if any innocent persons were injured.* In other words, if any of the persons injured was not innocent, there is no occasion for any regret, "deep", "sincere", or otherwise.

Now, Sir, is this the way in which a statement should be issued by the Chief Minister on behalf of the Government? I would, Sir, look at the matter from an entirely different point of view. If the case of Government is that the situation in the Islamia College yesterday was such that there was going to be a tremendous disturbance, a serious breach of law and order, and that it really passed out of the hands of the College authorities entirely, and police interference was essential, then of course the matter would stand on a different footing. But if my students are guilty—I speak here as one, connected with a number of educational institutions—I would first of all try to know how to deal with the students myself instead of seeking the protection of the police, the upholders of law and order. If it is found there were students whether belonging to the Islamia College or other colleges who are guilty of a breach of discipline, there are specific provisions for proceeding against them, but it is inhuman, it is callous, it is unthinkable for any civilised Government to be responsible either directly or indirectly for sending police force of Gurkhas for the purpose of teaching lessons to students of colleges and of the University. I say that it is absolutely essential that the Government should reconsider the position and look at the matter from an entirely different point of view. It is not an ordinary case of disturbance. If the students are responsible for creating a disturbance as they do in every other part of the world, then there are ways of dealing with them.

Sir, I cannot but be very strong and emphatic in my condemnation of the methods employed yesterday. I should not conceal from you at the same time, my anxiety on another score, that is, I do not want that these continuous strikes in educational institutions should become a common feature of the educational administration in the Province. I would, therefore, Sir, appeal to all sections of the House to give this matter their fullest consideration—it is not a party question, it is a matter which seriously concerns the future welfare of Bengal. Why should there be such recurrence of strikes in educational institutions? Every one of us who has a little share of responsibility for guiding public opinion should conduct himself in such a manner that these strikes may be matters of the past. I hold this view as one

connected with education. Sir, I do not conceal that there may be occasions when students in our educational institutions may be called upon to leave their studies and take part in some big national struggle. British universities are closed to-day and the students there are taking part in what they consider to be a national struggle, but ordinarily there should not be any effort on the part of any one, whatever political party he may belong to, to induce students to leave their educational institutions and take part in big common strikes. (Cries of "Hear, hear" from Coalition Benches.) When, Sir, the time comes for us to call upon the students to leave their educational institutions and take part in any national struggle, we must also apply a severe test on every one of us. Those of us who do so must be prepared—each and every one—to make that sacrifice ourselves. If we are prepared to lead such a struggle and ask every one to follow that struggle, I can understand it. But then, Sir, so long as that does not happen, every party in this Assembly and the authorities of educational institutions, the University and the Government, the guardians—we must all put our heads together and find out the means for preventing the continuance of strikes in educational institutions. (Cries of "Hear, hear" from the Coalition Benches.) But when we shall deal with a situation in any educational institution we shall not apply police methods, because police methods will defeat the very purpose which the Government have in view. If Government's motive is to have a better atmosphere, that atmosphere will not come by pursuing these police methods. These methods have been tried in the past but they have failed. In those days they were tried by the bureaucratic Government and we protested against them. To-day we find that that method is being tried without any hesitation by a Government that claims to be popular. I hope, in view of the serious situation that has arisen, the Chief Minister who is also the Education Minister of the Province, will conduct himself in such a manner that he will be able to rally round him all the different shades of public opinion in the Province so that we may work together for the common good of Bengal.

Sir, I shall now refer to the other question—the removal of the symbol—of course, ordinarily this would not be relevant to the subject-matter under discussion—the Chief Minister, I believe, unconsciously has coupled both the incidents together in his statement—the Holwell monument and the Islamia College strike. With regard to that particular agitation I find that a member of the Upper House who was arrested yesterday has been released to-day. I suppose Government's proceeding from backwards—a person arrested yesterday has been released to-day. Following that process perhaps all the persons who have been arrested in connection with this agitation will be released in the course of the next few days. I hope we shall see the end of this very soon; when the symbol is removed, I do not know where it will go;

it might be handed over to the British members who may decide to carry it (you cannot carry things now, that is not safe) to England; perhaps to be preserved at the British Museum.

Mr. ABDUR RAHMAN SIDDIQUI: My colleagues in this House will, I hope, forgive me for intervening in this debate and taking part in the discussion to-night. I remained silent throughout the two previous debates on the same subject and I would have remained silent even to-day, but I feel that we have had enough of this Black Hole Monument business. I feel, Sir, that we are all living in an atmosphere of unreality. We seem to have forgotten that there is a war going on. In the face of that terrible reality, I ask, Sir, should we as representatives of the people of Bengal and as Indians devote our energies, our attention, and all our thinking capacity to this wretched monument which has taken up three days of debate and which required three adjournment motions. There are bigger things to be thought of, for, behind them there are dangers which are looming large and coming nearer home. Cannot we all forget this monument? If the heart of every one of the honourable gentlemen opposite is opened it will be found that they realize they are talking unrealities, that they are indulging in debate and discussion which have no foundation whatsoever. The Coalition Party decided during the last session of the Assembly that the monument should go. The Cabinet agreed that it must go. Time had also been fixed for its removal. It was 6 months. Now in order to make political capital, they staged a movement which should not have been staged. I appeal to the honourable gentlemen opposite to think of India and the dangers that lie ahead. Once we have reached the stage in our political evolution towards which we have been looking with eager and expectant eyes, we will be able to remove 2,000 such monuments in two hours. While talking of symbols and sentiment the honourable member for Burdwan North-West forgot that there are two other equally important principles that should guide us in our conduct. They are discipline and self-control. My grievance against the Muslim students is, as I have had occasion to tell them plainly, that so long as they tried to ventilate their ideas on this subject in their annual conferences they were in a perfectly legitimate position. After that their representatives, I speak for the Muslim representatives, in this House, took the matter up. The young men knew what we were doing. I cannot imagine for a moment that any Muslim student ever felt that a Muslim sitting in this House could possibly look with sentiments of reverence on the Holwell Monument. Sinister influences were, however, at work and instigators were trying to make mischief. That is where I part company with them. Without going into the details, I mean the details of the incidents of yesterday or the incidents that have been happening near the monument, is it difficult to understand why honourable gentlemen opposite declined to

admit the reasonableness, the courage and the categorical character of the statement made by the Hon'ble the Chief Minister on the occasion of the first adjournment motion? In fact, I was terribly disappointed at the attitude taken up by the Opposition. To-day again a statement has been made. We have heard magnificient orations on how the holy precincts of educational institutions should be treated and what is the etiquette regarding the preservation of their sanctity in Europe and how things are done at Oxford and Cambridge. That is all very well, but nobody seems to have referred to the fact that it requires a colossal amount of courage on the part of a Government to admit a mistake. It has been admitted that the entry of the police inside the college was unfortunate——

Dr. SYAMAPRASAD MOOKERJEE: Where it is admitted?

Mr. ABDUR RAHMAN SIDDIQI: If honourable members opposite are unable to understand the ordinary significance of the English language, it is not my misfortune. Perhaps the training in law courts creates the sort of psychology which makes it impossible for men otherwise reasonable even to look at things with open eyes. The statement clearly admits that the incident was unfortunate, that the entry of the police inside the college was still more unfortunate, and for this purpose Government have come out boldly and courageously, expressed their regret and agreed to appoint a Committee to investigate into the matter. It has also been said that the monument is going. When it will go, where it will go, to-night or to-morrow night, is a matter for the Administration to decide. From the very first day honourable gentlemen opposite knew that it had been decided that this monument was to go. That being so and everything being admitted, what is it that we are discussing to-day?

There is one other aspect of the matter to which I should like to make a reference. I congratulate the Government on the courage they have shown. I congratulate the Government on the steps they have taken. Will they give me the opportunity to congratulate them once more? May I appeal to the Hon'ble the Chief Minister through you, Mr. Speaker, to bury this wretched question, bury the whole of this agitation by releasing Mr. Subhas Chandra Bose within 24 hours, 48 hours or simultaneously with the removal of the monument? Will he once more show courage and release Mr. Subhas Chandra Bose from the jail? Sir, we have our quarrels, and the Hindus and the Muslims will quarrel in the future as well. The honourable member for the University of Calcutta, even objects to our calling our own boys as "our boys". To please him, Sir, we shall call them Indian boys. But, as I have said, times ahead are indeed difficult. They may even grow to be dangerous. I cannot get out of the fact that the dangers

are coming nearer and nearer. We shall have our Dominion Status; we shall have our independence; we shall have our future greatness in any form we choose but not by wasting our time, wasting our energies, and wasting our whole political thinking on monuments. I hope, Sir, the Cabinet, and especially the Hon'ble Chief Minister will respond to my appeal and will try to bring back peace to Calcutta and to the whole province of Bengal.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, I will not take much time of this House. It is the third adjournment motion relating to this Holwell Monument which we are hoping will be removed; when we do not know, in short time possibly, because the time that is mentioned by the Hon'ble Chief Minister is "immediate." We do not know when it will be removed but we are relieved to hear that it will be removed after all. Sir, only the other day when speaking on another adjournment motion I suggested that if the Hon'ble Chief Minister who has made a statement to-day before the House, if he could have taken into his head, in due deference to the wishes of the members of the Coalition Party or the resolution of the Muslim League, the removal of the Holwell Monument would have been an established fact by now and the unfortunate incident not only of yesterday but of other days also would not have happened. But, Sir, these were not done. I am of course very glad to hear that after all the Cabinet has come to the decision that the Holwell Monument should be removed. Sir, the real fact that emerges out of to-night's discussion is about the assault on the students. The Hon'ble Chief Minister said that he would hold an enquiry into the whole affair. Sir, I happened to be present in the institution soon after the occurrence took place. Sir, I see that the Hon'ble Mr. Shaheed Suhrawardy is coughing. I know Mr. Shaheed Suhrawardy and the methods he is adopting in the labour areas. And I know very well that he is trying to imitate the same method so far as this situation is concerned. But he and his other friends——

The Hon'ble Mr. H. S. SUHRAWARDY: That is a falsehood, Sir. I have nothing to do with this institution. I know nothing about it or about the incident.

Mr. M. SHAMSUDDIN AHMED: Yes, yes, I know what you are. It is no use saying so. People do not take your words seriously. I know that.

Now, Sir, we were told that in the college there were waiting 6 prison vans and 6 police vans and about 100 constables, 100 Gurkhas and 25 Sergeants. What sort of battle was fought there, we do not know. But these sergeants, constables and Gurkhas collected within the precincts of the college, entered the class-rooms and beat the

students right and left. May I, Sir, ask one question? If the police had been there they must have been there either by intimation or by information or at the request of somebody, but, Sir, what for did they go there? If for arresting the students, was any arrest made? Sir, nothing was done and not a single boy whether belonging to the Islamia College or to any other college, was arrested. No one was arrested there. They beat the students right and left including some of the Professors and also including the Principal who was roughly handled.

The Hon'ble Mr. H. S. SUHRAWARDY: Tut, tut, tut.

Mr. M. SHAMSUDDIN AHMED: Mr. Suhrawardy never went there.

The Hon'ble Mr. H. S. SUHRAWARDY : You too went there after the incident.

Mr. M. SHAMSUDDIN AHMED: It does not matter, but I went there after all.

The Hon'ble Mr. H. H. SUHRAWARDY: I did not go there because I had nothing to do with a subversive movement. My friend was probably responsible for sending the boys there to create a disturbance.

Mr. M. SHAMSUDDIN AHMED: Yes, I know you are in the habit of dealing with goondas. (Laughter).

Mr. SPEAKER: I hope there will be no exchange of cross words.

Mr. M. SHAMSUDDIN AHMED: I cannot help it, Sir. Mr. Suhrawardy is in the habit of doing these things and it is he who has invited all these cross words.

Mr. SPEAKER: Well, don't look at Mr. Suhrawardy.

Mr. M. SHAMSUDDIN AHMED: I know the whole thing is pinching him. That is the reason why he is interrupting so much.

The Hon'ble Mr. H. S. SUHRAWARDY: As I have said, Sir, I have nothing to do with this matter; I am wholly innocent.

Mr. M. SHAMSUDDIN AHMED: Now, Sir, to be serious. Really we cannot explain why did the police go there. Did they go to arrest the students; did they go to disperse the students? The men who were on the streets, we were told, were assaulted right and left, not knowing who the people were. And inside the college not a single arrest was made. And thereafter if assault was their intention they went there to teach the boys a good lesson. For the last few days these constables, these Gurkhas and these Sergeants, they were in the habit of beating the students or anyone who went near the Holwell Monument. They thought that because these people are thinking of a conspiracy, these boys in the Islamia College might turn out to be conspirators. Therefore, if at the very inception the students were taught a very good lesson the whole thing would be stopped forthwith. That is the only reason we can assume, why the police beat the students, assaulted them mercilessly and left them there. Not a single boy assaulted was taken to the hospital. Not one arrest was made. Nothing of the kind was done. So, Sir, we do not know what was the intention of the police and nobody has said up till now who informed the police. I asked the Principal and he said that he was not in a position to state who informed the police. But somebody must have asked the police to go there. Sir, in the statement that has been issued by the Chief Minister this morning——

Dr. NALINAKSHA SANYAL: It is the Chief Minister himself who gave the information.

Mr. M. SHAMSUDDIN AHMED: In that statement he says that somebody informed the police but he does not say who is that somebody who informed the police. Let us however assume that somebody did inform the police. Therefore, Sir, this incident must be treated as a very serious incident and if the authorities, i.e., the present Ministry think that by these methods they will be able to stop all sorts of agitation among the students they must be absolutely mistaken. By beating, by following these methods, such agitation has never been stopped. As these methods were followed before, they are being followed now. I understand that Mr. Walker, the Leader of the European Group, has said that they are for law and order. Yes, yes, we know that and that is because they desire that the people of the country should not ever be able to speak of independence, or speak of freedom or even talk of things which they in their own country prize so much. What is being done in England to-day? The Universities have been closed for fear of Hitler's invasion. I can very well understand their doing that. If the students here think in terms of freedom, if they think that this country is theirs, that their Motherland must be freed from foreign occupation, then it may be a crime in your eyes but that

is no crime to us, Indians, whether they be Hindus, Mussalmans or Christians. Therefore every student, whether he belongs to the Islamia College or to the Presidency College or to any Hindu College, every one has a right to think in terms of freedom, to speak in terms of freedom, as regards that ignominous thing, that shameful thing that stands over there, the Holwell Monument to the removal of which, you say, you have no objection. But I am really sorry that the guardians of law and order are following more or less the same old bureaucratic methods. Therefore I hope that as the Hon'ble Chief Minister has just now promised an enquiry to be held into the incident of yesterday, this sort of incident will never happen and that our students will never be beaten inside a college. (Interruption from the Hon'ble Mr. Suhrawardy.) Mr. Shaheed Suhrawardy, Sir, is incorrigible. I think he should be sent within 24 hours to the Alipore Central Jail in order to learn what discipline is!

Sir, therefore, I am appealing to the Hon'ble the Chief Minister——

Mr. ABDUR RAHMAN SIDDIQI: Sir, is the honourable member in order when he referred to the Hon'ble Ministers in that way?

(Cries of "sit down", "sit down" from the Krishak Proja Benches.)

Mr. SPEAKER: Mr. Giasuddin Ahmed, you are not the Speaker. Your voice is distinctly audible. I did not hear the remark of Mr. Shamsuddin Ahmed, and therefore I do not give a decision.

Mr. M. SHAMSUDDIN AHMED: If the Hon'ble the Chief Minister had taken courage in both his hands and made a statement earlier as he has done now in deference to the wishes of the Coalition Party in regard to this ignominous thing, then much of the unpleasant and unfortunate incidents could have been avoided. However, Sir, I must thank him. On behalf of my party I am thanking the Hon'ble the Chief Minister because he has promised the removal of this monument. I hope, Sir, that this promise will be carried out as quickly as possible and along with it those who have been arrested from Mr. Subhas Chandra Bose down to all the prisoners now rotting inside the Presidency Jail also the Holwell Monument should be removed as quickly as possible and peace restored to the province so that it might be a fitting place for all of us to live in.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, in order to consider the adjournment motion and also the statement of my honourable friend, the Chief Minister from the proper perspective, it is necessary for me to remind the House as to who were the victims of the brutal assaults, which were perpetrated in and near the Islamia College. The House should know that the persons injured were Mr. Waseque,

the President of the All-Bengal Muslim Students' League and a member of the Working Committee of the Muslim League, Mr. Anwarul Husain of the Islamia College,—and both these gentlemen are still lying in hospital,—Muhammad Yusuf of the Islamia College, Shamsul Islam of the Islamia College, Abdul Haque of the Islamia College, Nur Niwaz of the Islamia College, Nitai Ganguly of the University College, Sachin Das Gupta of the University College, Professor Zuberi of the Islamia College, Nurul Huda of the Islamia College, Abdul Hakim Mridha of the University College, Abdur Rauf of the Islamia College, Kazi Shaukat Ali of the University College, Muhammad Moin of the University College, Muhammad Mudasser Hussain of the Islamia College and many others. From a perusal of these names I am sure the House will feel convinced that it is not a question affecting only the students of the Islamia College. It is a wider question affecting the rights and interests of the public at large. My honourable and learned friend, Dr. Shyamaprasad Mookerjee, has dealt with this matter from the point of view of an educationist of long standing and ripe experience. May I leave that aspect of the matter aside and deal with this adjournment motion from the point of view of a member of the public? Sir, I am free to confess that I am glad that the Hon'ble Chief Minister has announced that the Government have decided to take immediate steps for the removal of the Holwell Monument. I am glad that the word "prestige" which was the burden of the song on the other side of the House only three days ago has vanished into thin air. Sir, I am glad that the blood that was shed yesterday has served its purpose. I read when I was in nurseries a passage from the Holy Bible which said that "the blood of the martyrs is the seed of the Church". Sir, I feel proud to say—and I shall repeat it again and again—that the blood which was shed yesterday, the blood of Hindus and Muslims, not of Hindus alone nor of Muslims alone, has had the effect of cementing the bond of union between the two communities in a cause which I consider righteous.

Sir, I have noticed with regret that the statement of the Hon'ble the Chief Minister has not gone far enough. It is true that he has mentioned the regrettable incidents on Monday afternoon. But I did expect him to declare on whom the guilt lay for these regrettable incidents, what was the crime of the students for which they were belaboured by the police and Gurkhas. The crime of the students, if it was a crime at all, was to enter a protest against the Director of Public Instruction's circular, against strikes. I should have thought, Sir, that the Government of the day which has often and often described itself as a popular Government would have taken lessons from the history of the Carlyle circular and the innumerable circulars which were promulgated during the partition days. I should have thought that they would have warned the Director of Public Instruction in advance against the folly of the kind he perpetrated.

Then again, Sir, the Chief Minister said that he proposes, rather the Government propose, to constitute a Committee of Enquiry. So far so good. He has said that the object of the enquiry will be to bring out the actual facts and to serve to put a stop to the dissemination of false and mischievous rumours. I expected him to add the words "to put a stop to the outrage, to put a stop once for all to the outrages" similar to the kind that were perpetrated yesterday. I did expect all that of the Hon'ble the Chief Minister because he has had considerable insight into human nature, because he has been in public life for more than a quarter of a century and still is in public life. In this connection I would say that I did not expect,—I never expected, —any statement disclosing an insight into human nature from the Hon'ble the Home Minister because I know from experience that Templars—I believe the Hon'ble the Home Minister is a member of the Inner Temple—to whom it is not given to be contentious—can have no insight into human nature. I know from experience that those who are trained in bureaucratic routine who have never taken part in public life, can never have an insight into human nature. But I did expect the Hon'ble the Chief Minister to take a more statesmanlike view of things and to remove the blot on the public life which has been continued from the 2nd of July onwards right up to yesterday evening.

Sir, I know my time is almost up. I shall, before I sit down, make one appeal to the Hon'ble the Chief Minister. It is true that he has removed the worst symptoms of the disease, but he has not, if I may say so, with all respect to him, tackled the disease itself. May I ask him in all seriousness to tackle the disease, to eradicate the canker which is eating into our vitals, to make public life more honest, more sincere, to make all the communities inhabiting this province one united community, so that it may develop into a strong and powerful nation?

Sir, in response to what my honourable friend Mr. Siddiqi said a few minutes ago—I wish I had the time to deal with his statement in a fuller manner,—may I say that I entirely agree with him that the time is ripe, more than ripe, for us to take steps for the purpose of meeting the situation that has arisen? I am not talking of the situation which exists six thousand miles away, but I am talking of the situation here, here in this province. I should have thought that it was time for us, more than time for us to organise ourselves in order to deal with the coming menace, to guarantee internal security and to guarantee also that proper steps should be taken to resist foreign aggression. But for doing that effectively may I remind my honourable friend Mr. Siddiqi that it is necessary to remove the root causes of discontent which still exist not merely among the Hindus but also among Muslims, Sikhs and other communities inhabiting this province,—to make them feel that this province belongs to all of them and not to any particular community, to make them feel

that the soil on which they stand, the soil from which they expect to derive nourishment is their own, that it is not a soil on which we are suffered to exist because of the inaction of others?

Sir, I would finally ask the Hon'ble the Chief Minister to take a statesmanlike view of things. What he has done—may I remind him with all respect—ought to have been done more than three months ago at least It was he who not long ago led the agitation for the removal of the Holwell Monument and he cannot complain now if the start he gave three years ago has been taken up by others—and if he will pardon my saying so—by men more resolute than he, who are not subject to the limitations which Ministers in this House are subject to.

With reference to one observation that was made by the Leader of the European Group about persons instigating the students being brought to book, let me tell him from this side of the House that the instigators are not afraid of the threats and frowns of the honourable Mr. Walker. (Cries of "Hear, hear" from the Opposition Benches.) Sir, John Burns was an instigator; Keir Hardie was an instigator; Ramsay MacDonald was an instigator; Michael Collins was an instigator; De Valera was an instigator; and if the students of to-day—both Hindus and Muslims—adopt the role of those distinguished instigators, I am sure they will have done something for the good of the province and of the country as a whole. (Loud cheers.)

Mr. SYED HASAN ALI CHOWDHURY: Sir, the question may now be put.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not propose to take much time of the House. In view of the statement that has been made by the Hon'ble the Chief Minister and in view of the fact that Government have promised an enquiry I do not want to make a statement now, because it will be said that I am prejudging the issue. Therefore, Sir, as the trend of some of the speeches has been more of a personal attack upon me, I welcome this Committee of Enquiry. I oppose the motion.

Mr. JOGESH CHANDRA GUPTA: Sir the question may now be put.

(Mr. Syed Badrudduja rose to speak.)

Mr. SPEAKER: I am afraid that as a closure motion has been moved, I have to put it to the House first. If the House decides to continue the discussion I have no objection.

The question that the question be now put was put and a division claimed.

(After the division bell had ceased ringing and the members had assembled in the Chamber, Dr. Nalinaksha Sanyal rose to speak.)

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: The rules state that a debate to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at the end of two hours' debate and thereafter no question can be put. May I submit, Sir, that as the discussion on the adjournment motion started at 6 p.m. and after having allowed 15 minutes for the recess (cries of "Twenty minutes" from the Coalition Benches)—all right, even if we allow five minutes more for the recess, the debate should automatically conclude at 8-20 p.m. The only question that will be admissible then will be the main question. So I would like to request you, Sir, in that event to put the main question before the House and not the question about the closure motion.

Mr. SPEAKER: I shall give my decision on that point after I take the vote of the House on the closure motion.

The question that the question be now put was then put again and a division taken with the following result:—

AYES—74.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dutta, Mr. Dhirendra Nath.
Dutta, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumder, Mr. Niharendu.
Emadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Hafizuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. Sarat Chandra.
Mallick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nasher Ali, Mr. Syed.
Pain, Mr. Baroda Prosanna.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.

Sur, Mr. Harendra Kumar.
Thakur, Mr. Prametha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—96.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Miah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasehid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi
Ashrafali, Mr. M.
Azhar Ali, Maulvi.
Badrudduja, Mr. Syed.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath,
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlur Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hosaini, Mr. Shah Syed.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Mursbed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahidzada Kawan Jah Syed.
Maguire, Mr. L. T.
Maktabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Manirudden Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafawzal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prafulla Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Fatiram.
Sahabe Alum, Mr. Syed.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Chowdhury, Maulvi.

The Ayes being 74 and the Noes 96, the motion was lost.

Mr. SPEAKER: I am sorry, Dr. Sanyal is not in his place.

Now, those members who were in the Rules Committee will remember that our old rule was that the time of interval shall not be included and it was exclusive of that. We have now introduced "at the end of two hours' debate", now, the time that has been taken up by discussion on this motion is 50 minutes before the prayer interval

and we had only one hour and about 5 minutes after that. So five minutes' time is still left. Therefore, as the House has decided that the closure motion is not accepted, I have no other alternative but to call on the next speaker to speak.

Mr. SYED BADRUDDUJA: Sir, I was not prepared to inflict any speech this evening at the fag-end of the debate, but certain speeches delivered in a very venomous strain leave me no other choice but to remove misconceptions that might be lurking in some quarters. The speeches delivered to-day seem to create the misleading impression both inside the House and outside that members opposite are in sympathy with the Muslim students of Bengal. They forget, for the time being, conveniently perhaps, that for the last three years, this movement has been carried on by the Muslim students alone and there was no conflict whatsoever with the Government until some interested parties appeared on the scene and by their political manœuvrings and wire-pullings tried to complicate the situation and poison the springs of life and thus lure the impressionable young minds into dangerous paths——

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Is he relevant to the subject-matter of the motion under discussion?

Mr. SPEAKER: Let me hear his next two or three sentences.

Mr. SYED BADRUDDUJA: Sir, on the floor of the House, with all the emphasis I can command, I declare that members of the Coalition Party without any dissentient voice have declared in no uncertain terms that they take serious notice of the alleged excesses that have been perpetrated within the precincts of the Islamia College and we have authorized the Chief Minister as also the Bengal Government to allay the feelings of the student community. The Chief Minister's statement on the floor of the House should have silenced all opposition, should have hushed up all controversies on this subject. But the Chief Minister's statement instead of being taken in the spirit in which it was made on the floor of the House has been misinterpreted and has been deliberately misconstrued only to exploit the situation for further political ends.

Sir, I do not agree with my friend, Mr. Siddiqi, that war aims should engage all our attention. The Holwell Monument is sufficiently important to engage the attention of the students. The feelings of students have been stirred up and we are not going to put a brake upon their feelings and sentiments. The pent-up feelings cannot be stopped, cannot be checked, cannot be stemmed. When they break out, they break out in all their fury and bring in havoc and desolation in their wake.

Sir, the only thing that I want to point out, the only thing that I want to stress and restress, the only thing that I want to emphasize and re-emphasize is this. That not till the friends opposite came forward to use the students for their own purposes, was there any conflict whatsoever. Believe me, Sir, I say with the fullest sense of responsibility that yesterday till 2 o'clock in the morning I knocked from door to door; I appealed to my Muslim student friends with folded hands and with tears in my eyes, to avoid any conflict with the Government. The custodian of the Muslim interests, the custodian of the students' rights and privileges, the man who has done so much for the Muslim student community, I mean the Hon'ble Mr. Fazlul Huq who for more than a quarter of a century has contributed so much towards their evolution, towards their progress and prosperity should not be misunderstood. I told them,—don't you question his *bonâ fides*, don't you question his integrity, don't you question his goodwill and good wishes for you all.

Sir, we do not like to checkmate our student community; we do not like to thwart them; we do not like to stand in their way, we do not like to put any brake on their feelings and their sentiments. I suggested to Moslem students from a full sense of responsibility that let there be no conflict, let there be no catastrophe, let there be no calamity which might embarrass the students themselves and bring disaster to the Muslim community——

Mr. SPEAKER: Order, order. As the two hours' time-limit is up, the motion is talked out.

Adjournment.

It being 8-25 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 24th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 24th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Abolition of local boards in Jessore district.

*63. **Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the district board of Jessore have recommended to Government the abolition of local boards in the district of Jessore?

(*b*) If so, when is the recommendation likely to be given effect to?

(*c*) Do the Government contemplate abolition of local boards in the Jessore district?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) and (*c*) The honourable member is referred to Notification No. 814L.S.-G., dated the 11th July, 1940, abolishing the local boards in the district of Jessore, with effect from the 30th September, 1941.

Sreejut Prafulla Kumar Tripathi, a detenu under the Defence of India Act.

*64. **Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Sreejut Prafulla Kumar Tripathi, a detenu under the Defence of India Act at Jalpaiguri Jail, is being treated as Division II under-trial;

(*b*) whether he has been getting Division III prisoner's diet;

(*c*) whether he has been informed of the charges framed against him; and

(*d*) whether any opportunity has been given to him for submitting his statement on the charges, if any?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) Does not arise as he is being detained under Defence of India Rule 26.

(*d*) Does not arise.

Mr. SIBBNATH BANERJEE: Will the Hon'ble Minister be pleased to explain why the prisoner is being considered Division II prisoner and at the same time getting Division III diet?

The Hon'ble Khwaja Sir NAZIMUDDIN: According to the Jail Code Rules, Division I undertrial prisoner is equivalent to Division II convicted prisoner and Division II undertrial prisoner is equivalent to Division III convicted prisoner.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to enlighten the House as to the reasons for his detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is in the Defence of India Act. I have quoted the section.

Mr. SASANKA SEKHAR SANYAL: You have given only the authority. What are the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was engaged in subversive movement in the Jalpaiguri area.

Mr. SASANKA SEKHAR SANYAL: In what movement?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the rules under which this division is allocated to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the discretion of the District Magistrate, I think.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he himself is in possession of any facts in his own file explaining the reasons for his arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes; unfortunately the file is not with me here.

Mr. SASANKA SEKHAR SANYAL: In that case will the Hon'ble Minister be prepared to answer the question to-morrow?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think the question arises.

Mr. SASANKA SEKHAR SANYAL: It does arise, Sir. Will you kindly refer to clause (c) of the question, viz., whether he has been informed of the charges framed against him. This question resolves into two portions, charges and information. He says that he has been detained but does not give the reasons for his detention, and since he says that he is in possession of facts, I submit that the question arises. In any case the Hon'ble Minister is expected to know the reasons for detention.

Mr. SPEAKER: I do not take it in that way. You first ask what are the charges.

The Hon'ble Khwaja Sir NAZIMUDDIN: Under the Defence of India Act one is detained without charges being framed against him. Question of charge does not arise.

Mr. SPEAKER: The word "charge" is used not in the sense of the Criminal Procedure Code.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that here the word "charge" has been used in that sense; otherwise, we would have to give reasons for his arrest, and it would have been possible to answer that question without any difficulty. Here the word charge has not been used specifically as a charge under the Criminal Procedure Code.

Mr. SPEAKER: He wants to know the reasons.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he does not think it desirable to classify him as Division I prisoner?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: Does the Hon'ble Minister know if Prafulla Kumar Tripathi has a debt to the society?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: With reference to (*c*), will the Hon'ble Minister be pleased to enlighten us whether Sj. Prafulla Kumar Tripathi was informed of the reasons of his arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already answered that question.

Mr. SPEAKER: You are asked to give further notice.

The Hon'ble Khwaja Sir NAZIMUDDIN: Must have been informed.

Mr. ATUL KRISHNA GHOSE: What were those reasons please?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Then how did you say "must have been informed"?

Mr. SPEAKER: That is a matter of argument.

Mr. SASANKA SEKHAR SANYAL: Is it a fact that on an application for classification the Magistrate has to refer the matter to the Police Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter came up to me later. I can make a statement on that. The information on record shows that the ex-detenu Profulla Kumar Tripathi comes of an Utkal (Uriya) Brahmin family domiciled at Midnapore and that he twice sat for the Matriculation Examination but failed He was arrested under the Bengal Criminal Law Amendment Act on 21st May, 1931, and conditionally released on 5th December 1937. Soon after his release he came to Jalpaiguri on 19th December, 1938, and was employed on Rs 20 per mensem as organiser of the Jalpaiguri District Congress Committee by Babu Khagendra Nath Das Gupta and stationed at Patgram. During his stay at Patgram he started a petty stationery shop there jointly with Sanat Roy, but they had to close it as it was not a profitable concern. At Jalpaiguri he used to live on the charity of Babu Khagendra Nath Das Gupta.

Accommodation in the Manikganj sub-jail, Dacca.

*65. **Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the table a statement showing—

(*i*) existing accommodation in the Manikganj sub-jail in the district of Dacca—

(1) for the male prisoners, and

(2) for the female prisoners; and

(*ii*) the daily average male population (prisoners) in the said sub-jail in the years 1937, 1938 and 1939?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any room for segregation of the confessing prisoners apart from the female ward?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 24.

(1) 22.

(2) 2.

(*ii*) 36·64, 36·11, 43·52.

(*b*) No.

(*c*) The Inspector-General is in touch with the Superintendent of the sub-jail over the matter and a detailed scheme for the construction of a segregation ward in the sub-jail is being awaited.

Communal ratio in the Forest Department.

*66. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing for the Southern Circle of the Forest Department the present number of—

(*i*) Hindus;

(*ii*) Muslims; and

(*iii*) other communities—

(1) in the superior services drawing pay of Rs.1,250 and less,

(2) in the subordinate forest and depot establishment drawing pay of Rs.200 and less, and

(3) in the office establishment drawing pay of Rs.600 and less?

(*b*) Will the Hon'ble Minister be pleased to lay on the table another statement showing from April, 1937, up to the 31st March, 1940—

(*i*) the number of posts that fell vacant in the ranks referred to in (*a*); and

(*ii*) the number of them that were filled up by—

(1) Hindus,

(2) Muslims, and

(3) other communities?

(*c*) Will the Hon'ble Minister be pleased to state what step he proposes to take for giving effect to the service ratio in the department?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) and (*b*) Statistics relating to permanent establishment in the Southern Circle excluding forest guards are given in the attached statement. Men for the temporary staff in the Forest Subordinate Service and forest guards are recruited by Divisional Forest Officers. Statistics relating to the latter for the last three years require the compilation of a number of returns from the different records maintained by the Divisional Forest Officers and cannot be furnished along with the present answer.

The vacancies shown in the statement are filled on a provincial basis. The figures relating to the Southern Circle alone do not therefore reveal the correct communal position.

(*c*) Government's decision on the percentage ratio is being followed.

Statement referred to in the reply to clauses (a) and (b) of starred question No. 66.

SOUTHERN CIRCLE OF THE FOREST DEPARTMENT, BENGAL—COMPRISED OF SUNDARBANS, CHITTAGONG, CHITTAGONG HILL TRACTS AND DACCA-MYMENSINGH DIVISIONS.

Particulars of services.	The present number of—				Number of posts that fell vacant from 1st April, 1937, to 31st March, 1940.	The number of vacancies that were filled up by—			Remarks.
	Hindus.	Muslims.	Other communities.	Total.		Hindus.	Muslims.	Other communities.	
1	2	3	4	5	6	7	8	9	10
(1) In the Superior Services drawing pay of Rs.1,250 and less.	6	2	4	12	1	..	..	..	Not filled up owing to reduction in the cadre.
(2) In the Subordinate Forest and Depot Establishment drawing pay of Rs.200 and less.	254	105	156	515	14	6	4	..	Unfilled vacancies are reserved for temporary staff at present under training at Kurseong and will be filled up on completion of the course in October, 1940.
(3) In the Office Establishment drawing pay of Rs.600 and less.	19	5	..	24	4	4	..	..	

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to refer to the statement. In the office establishment drawing pay of Rs. 600 and less there were four appointments from the 1st April, 1937, to the 31st March, 1940, and all these four appointments went to Hindus. Will he be pleased to state the reasons?

Mr. SPEAKER: He has already answered it.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the dates of these appointments?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I want notice.

UNSTARRED QUESTION

(answer to which was laid on the table)

Chars in the river Sangoo and effects thereof.

36. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Is the Hon'ble Minister charge of the Communications and Works Department aware—

(*i*) that free passage of water is obstructed at the mouth of the river Sangoo on account of the growth of *chars;* and

(*ii*) that during rainy season parts of the police-stations of Anwara, Banskhali, Satkania and Patya are swept away by floods and inundations?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take to save those parts of the district from this havoc?

(*c*) If no action is proposed to be taken, will the Hon'ble Minister be pleased to make any inquiry into the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) *Chars* have formed along the sea coast from the mouth of the Sangoo river to the entrance to the Kutubdia channel. I am advised that the *chars* have not blocked the river mouth.

(*ii*) Yes.

(*b*) and (*c*) Some schemes are being investigated with the object of solving the problem of drainage in the areas referred to.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1938.

Clause 20.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that after clause 20 (2) the following new sub-clauses be added, namely:—

"(3) In the case of any society having more than 2,500 members only such members shall be entitled to attend general meetings who have been elected representatives for the purpose by the members in the manner prescribed.

(4) The general meeting of every co-operative society shall exercise its authority in accordance with the by-laws of the society."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In regard to amendment No. 39, I may at this stage explain to my friend that we have actually accepted his suggestions and to rectify the defects of the draft I have given notice of a short-notice amendment (No. 249), which I may now move with your permission.

That the following proviso be added to sub-clause (1) of clause 20, namely:—

"Provided that in such circumstances as may be prescribed, the final authority may vest in the delegates of such members elected in the prescribed manner and assembled in general meeting."

Now, Sir, so far as the amendment of my honourable friend, Mr. Satyapriya Banerjee, is concerned, he seeks to have some power in this Bill by which representation by delegates of members of a society can be arranged if the membership is over 2,500. But, Sir, there are other difficulties as well. For instance, the members may be living in different and distant places. The question of territorial difficulty along with the number may arise and therefore to obviate all those difficulties we think that these circumstances ought to be mentioned in the rules by which societies of this nature may have their proper delegates, which delegates will meet at the general meeting and discharge the duties that they may be called upon to perform on such occasions. I can assure my friend, Mr. Banerjee, that we have accepted his suggestion so far as the principle is concerned and I only wanted to amplify that principle by this short-notice amendment.

Mr. SATYAPRIYA BANERJEE: I thank the Hon'ble Minister in charge for having accepted my suggestion in part.

Mr. SPEAKER: He will do the rest when the rules are being framed!

Mr. SATYAPRIYA BANERJEE: Sir, there are only two circumstances in which this amendment can come into play, namely, either when the membership is very large or when the membership is scattered over a wide area. Only under these two circumstances can this amendment be applied, whereas "in such circumstances as may be prescribed" is very vague. Sir, can we imagine any other circumstances than those that I have mentioned just now? Then, Sir, there is another thing I would like to point out and it is the question of delegates. I have advisedly used the word "representative" in my amendment and not "delegate" because in between two annual general meetings difficulties may arise when a special general meeting might have to be held. In that case if delegates are to attend, there will have to be a fresh election of them.

Mr. SPEAKER: Not necessarily, if the rules provided.

Mr. SATYAPRIYA BANERJEE: Sir, there is an accepted definition of the words "representative" and "delegate." Delegates represent members only on certain specific occasions, whereas representatives represent members for a certain period.

Mr. SPEAKER: Where is that definition?

Mr. SATYAPRIYA BANERJEE: Sir, that is the accepted definition everywhere. That is the difference between a "delegate" and a "representative," and I think the Hon'ble Minister in charge will not have any objection to accept the word "representative" in place of "delegate." That will minimise all future difficulties.

Rai HARENDRA NATH CHAUDHURI: Quite so. That will facilitate matters.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I may draw the attention of the honourable member that we have got the word "delegate" in clause 79 also?

Mr. SATYAPRIYA BANERJEE: But that is for the purpose of calling a requisition meeting.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister kindly consider the point before he answers. He does not seem to have understood it.

Mr. SPEAKER: Yes, he has understood the point.

Rai HARENDRA NATH CHAUDHURI: But he has not yet answered it. May I again repeat that delegation refers to a specific purpose whereas representation refers to very many purposes.

Mr. SPEAKER: But the rules may indicate that, whether it will have reference to a specific case or to all cases.

Rai HARENDRA NATH CHAUDHURI: Then why not use the word "representative" in a wider sense? Mr. Banerjee's point is that the word "representative" should be used having regard to the fact that it has a wider connotation.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know if the definition which Rai Harendra Nath Chaudhuri seeks to give is quite correct, for, we have used the word "delegate" in other clauses too.

Mr. SATYAPRIYA BANERJEE: It is because the use of this word will facilitate our purpose

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We believe that there is hardly any distinction between the two words, but we prefer to have the word "delegate" throughout so that it may be in consonance with the rest of the clauses; and the rules will make it clearer.

Mr. SATYAPRIYA BANERJEE: By rules you cannot certainly and should not in any case change the nature of what is universally understood by the term "delegate" A person is a delegate for a certain specified purpose and for a specified occasion and if there are general meetings held in between two annual general meetings you will have to elect delegates afresh for each such occasion and you will have to call meetings for that purpose. It is a very simple thing after all.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I for one do not see the point that is now pressed by my friend Mr. Banerjee as to why the term "delegate" should be taken to mean delegate for a particular purpose only. The Rules may be so framed as to include delegates to mean delegates for all purposes.

Mr. SATYAPRIYA BANERJEE: You want to change the whole meaning and significance of the word "delegate" for, in the political vocabulary, the word "delegate" has a certain definite meaning attached to it.

Mr. SPEAKER: Yes, in law "man" includes "woman." (Laughter.) So I do not think there will be any difficulty in changing the political meaning of the word "delegate." (Again laughter.)

Mr. SATYAPRIYA BANERJEE: I do not think, Sir, the Bill will suffer in any way if the word "representative" is substituted for the word "delegate."

Mr. SPEAKER: Well, the Hon'ble Minister thinks that no point is made by this proposed change in the wording of the draft, and he has said so openly.

I will now put the motions to vote.

The motion of Mr. Satyapriya Banerjee that in clause 20 (*1*), line 2, after the word "members" the words and figure "or representatives elected under sub-section (*3*), as the case may be" be inserted, was then put and lost.

The motion of Mr. Satyapriya Banerjee that after clause 20 (*2*) the following new sub-clauses be added, namely—

"(3) In the case of any society having more than 2,500 members only such members shall be entitled to attend general meetings who have been elected representatives for the purpose by the members in the manner prescribed.

(4) The general meeting of every co-operative society shall exercise its authority in accordance with the by-laws of the society."

was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the following proviso be added to sub-clause (*1*) of clause 20, namely—

"Provided that in such circumstances as may be prescribed, the final authority may vest in the delegates of such members elected in the prescribed manner and assembled in general meeting"

was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the following proviso be added to clause 20 (*1*), namely—

"Provided that it shall not be competent for the general body of members in a meeting to increase the rate of dividend recommended by the managing committee of a society."

It has been discovered in all democratic organisations that unless there is a kind of healthy check to the tendency of members raising the rate of dividend, it would be working against the interests of the society.

Mr. SPEAKER: Just one minute, Dr Sanyal I sent for the dictionary, and I find that the word delegate does not necessarily mean a man sent for a specific purpose. According to the dictionary—

Delegate:—to send one with power to transact business as a representative; to depute; to intrust, commit, or deliver to another's care and management; N. a person sent and commissioned by another to act as his representative; a representative, a deputy, a substitute.

So delegate can be construed to be the same as representative.

Dr. NALINAKSHA SANYAL: In the Indian Companies Act, also, a provision similar to this exists, by which the shareholders at a general meeting of the shareholders cannot raise the rate of dividend recommended by the Board of Directors. It is exactly in line with the same provision I suggest the amendment that I have just moved. I trust the Hon'ble Minister will have no difficulty in accepting this, as he will realize that this is in the interests of the society itself. The managing committee should know exactly what should be the maximum dividend permissible in a particular year, and it should not be open to the members to raise the dividend. That is all I imply in my amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I submit that this is again going to a matter of detail, for which we have made provisions in clause 134, whereby rules will be framed to indicate all these details. There is another clause 54 which deals with the distribution of profits In that view of the matter, I do not think it is necessary, although I can assure my friend that we have got that in view and perhaps it will be laid down in the rules that such things will not be allowed.

Dr. NALINAKSHA SANYAL: Have you the power?

Mr. SPEAKER: Yes, under the rules.

The motion of Dr. Nalinaksha Sanyal that the following proviso be added to clause 20(*1*), namely—"provided that it shall not be competent for the general body of members in a meeting to increase the rate of dividend recommended by the managing committee of a society," was then put and lost.

The question that clause 20, as amended, stand part of the Bill was then put and agreed to.

Clause 22.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 22(*1*) (*a*), line 1, for the word "one-third" the word "one-fifth" be substituted.

This relates to the number of persons required to call into requisition a general meeting. It was originally provided that the requisition should be by one-fifth of the members. Subsequently, the Select Committee thought it fit to have this minimum limit raised to one-third in certain cases. It would be rather difficult for members of a society to take recourse to the privilege of calling a requisition meeting if such a high minimum is placed. I therefore submit that the minimum be again reduced to the original provision in the Bill, namely, one-fifth of the total number of members. Consequentially, if this is accepted, then the latter portion of the sub-clause would also be not necessary, namely, that in cases where societies have more than 2,500 members a requisition under clause (*a*) may be presented by delegates, and in cases where societies have more than 500 members one-fifth of the members of the society will be permitted to call a requisition meeting. These two will be consequential changes if my present suggestion of going back to the old proposition of one-fifth of the members is accepted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I hope it will be appreciated that this is in reference to the special general meeting where the requisitionists will be required to state the specific purpose for which such a meeting is necessary. If the number is not sufficiently high, it follows as a matter of course that a small number can always embarrass the managing committee by requisitioning meetings every now and then. It is just to ensure that the special general meeting is really desired by a fairly large number of members that we think that one-third of the number should be the minimum. It is from that point of view that the Select Committee after giving due consideration has changed it from one-fifth to one-third.

Sir, I beg to move that in paragraph (*a*) of clause 22 (*1*), line 2, after the word "any" the word "co-operative" be inserted.

I hope my friend Dr. Sanyal will withdraw the amendment of his.

Mr. SIBNATH BANERJEE: Sir, may I point out one difficulty in this clause? If the number of members of a society be 450, according to the rule of one-third, 150 members will be necessary, whereas if the number of members be 510, a less number can requisition a meeting. So the anomaly is there if the clause is passed as it is.

Mr. SPEAKER: If a society has 20 members, 4 will be enough to requisition a meeting. And most of the societies will have about 20 members.

The motion of Dr. Nalinaksha Sanyal that in clause 22 (*1*) (*a*), line 1, for the word "one-third," the word "one-fifth" be substituted was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in paragraph (*a*) of clause 22(*1*), line 2, after the word "any" the word "co-operative" be inserted was then put and agreed to.

The question that clause 22, as amended, stand part of the Bill was then put and agreed to.

Clause 23.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 23, in line 4, after the words "such powers" the following words be inserted, namely, "including the power to employ paid staff and to maintain a provident fund for the employees."

From practical experience many co-operative societies have discovered that it is very difficult for them under the present law or the proposed law that is coming before us to employ paid staff of the society and to maintain a provident fund for employees. In order to remove that anomaly I have proposed these two powers to be given to the managing committee. I trust that the Hon'ble Minister will accept it. I suppose it will not be now argued that this power may be delegated by rules. I wonder there are how many things that are contemplated under the rules, and if the Hon'ble Minister can have recourse to the rules, he can as well accept my amendment to the section itself. I therefore submit that the power to maintain provident fund for employees must be there in order that the rules may be made to have the details of the administration of the provident fund collection made out. As it now stands there is no section in the proposed Act which will empower a society to maintain a provident fund for the employees or to maintain

any paid staff. I submit that unless these powers are given, mere rules will not be legally sufficient to enable a society to employ paid staff.

Mr. SPEAKER: What about clause 56?

Mr. SATYAPRIYA BANERJEE: That is only for the members and not for employees.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As you have been good enough to point out, Sir, this is a matter which must be left to the rules, and the power is there to see that it will be done in accordance with the rules and by-laws. As soon as you have the power to make it obligatory on the society to do all these things, you can exercise the power even if they have not got the means to do so. Without going into details, I may tell the House, Sir,——

Dr. NALINAKSHA SANYAL: Rule under which section please?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Clause 23.

Dr. NALINAKSHA SANYAL: Is there any rule-making power under clause 23? Under clause 23 it is laid down that the management of every co-operative society shall vest, etc. No power is given under that clause.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In clause 134(*d*) (*xv*) it is stated, "the powers to be exercised and the duties to be performed by the managing committee and officers of a society."

Dr. NALINAKSHA SANYAL: May I explain the anomaly, Sir? This clause reads thus: "The management of every co-operative society shall vest in a managing committee constituted in accordance with the rules and by-laws, which shall exercise such powers as may be conferred by this Act, the rules and the by-laws," that is to say, the powers that will be exercised by the managing committee may be conferred by this Act and the rules and by-laws under this Act.

Mr. SPEAKER: There is no mention whether the managing committee will themselves appoint their staff or not.

Dr. NALINAKSHA SANYAL: The constitution of the managing committee will have to be in accordance with the rules.

Mr. SPEAKER: The clause also lays down: "which shall exercise such powers as may be conferred by this Act, the rules and the by-laws." That is the power of the managing committee.

Dr. NALINAKSHA SANYAL: There is no power given by the Act.

Mr. SPEAKER: But it has been conferred by the rules. Supposing a village society wants to entrust the power to appoint the staff, the rules amply provide for it.

Rai HARENDRA NATH CHAUDHURI: But, Sir, the rules must follow the provisions of the Act. Where is the provision in the Act in accordance with which the rules regarding provident fund for the staff may be framed? We want to know that from the Hon'ble Minister.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, if I move my own amendment No. 30, this position will be made clear.

Sir, I beg to move that in clause 23, line 4, for the words "as may be conferred," the words "and perform such duties as may be conferred or imposed respectively" be substituted.

Rai HARENDRA NATH CHAUDHURI: But, Sir, the confusion arises from ignoring the fact that the rules must follow the Act, and there is no provision in the Act itself for the constitution of a provident fund for the staff.

Mr. SPEAKER: That is quite true, but supposing section 23 says that a society shall exercise such powers and perform such duties as may be conferred by the rules. It gives wide powers.

Rai HARENDRA NATH CHAUDHURI: But even in that case, Sir, there must be some indication in the provision of the Act. How can you forget, Sir, that the rules can be framed only under the Act? If there is no indication in the Act, then I am afraid there can be no rule on the subject.

Mr. SATYAPRIYA BANERJEE: That must be subject to the approval of the Legislature.

Mr. DHIRENDRA NATH DATTA: Under clause 23 itself, the power is conferred.

Mr. SPEAKER: Yes, that is so.

The motion of Dr. Nalinaksha Sanyal that in clause 23, in line 4, after the words "such powers" the following words be inserted, namely, "including the power to employ paid staff and to maintain a provident fund for the employees" was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 23, line 4, for the words "as may be conferred" the words "and perform such duties as may be conferred or imposed respectively" be substituted, was then put and agreed to.

The question that clause 23, as amended, stand part of the Bill was then put and agreed to.

Clause 23A.

Dr. NALINAKSHA SANYAL: Sir, clause 23A should be omitted.

Sir, clause 23A reads thus: "The Provincial Government may, on the application of a society and on such conditions as may be prescribed, depute a servant of the Crown to the service of the society for the purpose of managing its affairs, and a servant of the Crown so deputed shall exercise such powers and perform such duties as may be prescribed."

I draw the attention of the House to the complaints brought to our notice by no less a person than an enthusiast of the Coalition party, namely, Khan Bahadur Mohammed Ali, regarding the affairs of the Bogra Central Bank, and I think that that itself will be the strongest argument that I have in favour of the deletion of this clause.

Sir, Government here propose to take power to appoint a Government servant to manage the affairs of the bank. Of course, it is stated: "on the application of a society," and of course it is also stated that it will be subject to such conditions as may be prescribed under the omnipotent rules, but we know, Sir, from practical experience the manner in which such applications are secured and the circumstances also under which such Government servants, when they are deputed to manage the affairs of a society, conduct themselves. They become masters, and the whole society comes practically under their control. I submit, Sir, that if the provisions under clauses 25 and 26 have got to be respected, *i.e.*, if it is to be provided that the Registrar should have power to dissolve a managing committee and reconstitute it and when the managing committee refuses to get itself reconstituted by the persons, as provided under clause 26, I think when such wide powers are given, there should be no opportunity for employing a Government servant to manage the affairs of the society at all. The whole purpose of this clause appears to be to penalise non-official agencies when they would not very much like the interference of the Registrar. I submit and I believe the Hon'ble Minister will also realise the danger of this clause,—that this clause will be one of the most dangerous weapons in the hands of any executive or the Registrar who would like to be interfering. I therefore seek the help of the Coalition party members, because they themselves will be the worst

sufferers. It is they who have under their control many managing committees and these are likely to be superseded or interfered with by the appointment of some officer whose salary will have to be borne by the society, for there is no provision that the payment will be by Government. On such conditions as may be prescribed the rules will be wide enough to compel the society to pay the expenses of such officer, and Government is not going to pay the managing committee in a rural area when there is no other work for the particular Government servant to do there. Anyway, I feel that this is a dangerous clause, and I think it should be deleted, and I hope that my suggestion will be accepted by the Hon'ble Minister

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am afraid my honourable friend has either not seen or has overlooked the first lines of this clause where it is distinctly stated that it will be on the application of the society and that we do not want to impose ourselves upon any society, but when the society feels the necessity of the services of a servant of the Crown, then and then only the head of the department will depute an officer and not otherwise. The clause nowhere states that Government will do so of their own accord. I have known personally of many central banks where they themselves have asked for the services of many departmental officers to manage their affairs and to put them right, and I am happy to say on the floor of the House that the results have been extremely satisfactory (RAI HARENDRA NATH CHAUDHURI: Miraculous!) It will be on the application of the society that this will be done, and it is for that purpose, namely, to regularise such an event that the Select Committee thought that we should have a clear provision in the Bill itself.

Dr. NALINAKSHA SANYAL: Who will pay for the officers?

Mr. SPEAKER: That will be settled later on.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move here that in clause 23A, line 2, after the words "of a" the word "co-operative" be inserted.

The motion of the Hon'ble Mr. Mukunda Behari Mullick that in clause 23A, line 2, after the words "of a" the word "co-operative" be inserted, was then put and agreed to.

The question that clause 23A, as amended, stand part of the Bill, was then put and agreed to.

Clause 24.

Mr. SATYAPRIYA BANERJEE: Sir, clause 24 should be omitted.

Sir, in this case at least I am in company with the Hon'ble Minister in charge. It is unfortunate that the unanimous decision arrived at by the Select Committee has been turned down. I owe an explanation to this House why I have been forced to move the deletion of clause 24. May I refer in this connection to a letter which an Assistant Registrar wrote to the secretaries of central banks in a certain district, dated the 13th May, 1940. The letter amongst other things says: "It is necessary to curb this autonomy of the village societies in their own interests and it is also in the interests of the central banks that no loan should be issued to village societies either out of the funds of the central banks or by borrowing from outside, unless the loan has been recommended with full responsibility by the departmental staff. The departmental staff shall not accept any responsibility for loans issued without their knowledge and approval." Sir, the letter speaks for itself.

Sir, may I in this connection also refer to the presidential address which our Deputy Leader, Mr. Santosh Kumar Basu, delivered at the Co-operative Conference held on the 13th July last. He said: "If Government takes the sole responsibility of running the societies, well and good. But it is an intolerable situation which the Bill will create, if passed into law, that while the department will lord it over the societies, the responsibility for the results of the working of the societies under official intervention and control shall fall on the non-official office-bearers". More over, there is not the ghost of a chance of my amendment No. 49, which contemplates inclusion of any person on whose recommendation such a loan is granted meaning thereby the Assistant Registrar in the case of Bengal Provincial Co-operative Bank and inspector in case of central banks on whose recommendation loans are usually granted to the central banks and village societies respectively, being accepted. In view of this, I thought it better to protect my brother non-official co-operators from the vagaries of this clause. I think, I have made my point clear, and I hope, the Hon'ble Minister in charge, who has tabled an indentical amendment will explain his view point.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I regret that that letter was never placed before me. At the same time, I can only assure the House that that letter has got nothing to do with this clause. If that letter seeks to suggest anything, it only suggests this, that when money was being advanced by Government, Government officers were expected to be sure that this money was being properly

utilized and before any money could be advanced, it was also expected to make the position sure that the money would not be used in any other way than for the purpose for which it was to be given out.

So far as clause 24 is concerned, along with Mr. Banerjee, I have also to explain to the House as to why it has been thought necessary to table this amendment for deleting this clause. It has been done at the instance of the provincial bank who thought that this clause would frighten away non-officials and that unless there was some guarantee for them to come forward and take up the work it would be difficult for non-official organisations to function, and out of respect to this view, I have also tabled this amendment.

The question that clause 24 stand part of the Bill was then put and lost.

Clause 25.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 25 (*1*), in line 2, after the word and figures "section 77" the words and figures "or section 78" be inserted.

Sir, I also beg to move that clause 25 (*2*) be omitted.

Sir, I want only to complete what has been left incomplete in the Select Committee. In clauses 77 and 79, there is provision for inspection by Registrar or financing banks and enquiry by the Registrar. By the introduction of section 78, I only extend the scope of this clause to the creditor of a society. The reason is self-evident. On the application of a creditor, if an enquiry is made, that enquiry is not covered by the clause as it stands now. But if clause 78 is included, that also will be covered and that will also be a very necessary thing.

As regards sub-clause (*2*), I beg to submit that it is one of the blackest clauses of this black Bill. Imagine for a moment that under the Registrar's direction, a special general meeting is held and in that special general meeting, a fresh board of directors is appointed; but that general meeting is precluded by this sub-clause from electing directors of their own choice. What they can do is only to elect those members whom the Registrar wants to be elected. Sub-clause (*2*) says: In any direction made under sub-section (*1*) the Registrar may, for reasons to be recorded by him in writing, order that all or any of the members of the outgoing committee shall, for such period not exceeding three years as he may determine, be disqualified for election or appointment as an officer of the society.

Sir, I submit that the improvement which was effected in sub-clause (*1*) of clause 25 after mature deliberation in the Select Committee has been completely nullified by the insertion of this sub-clause (*2*).

Sir, I will also refer here to the conclusion arrived at after mature deliberation by the Madras Committee on Co-operation specially with regard to this question. To them the question was referred as to whether removal of one or more members of the committee was desirable. "We have given the matter our consideration," they say, "and are of the opinion that both in the interests of the Registrar and of societies, such a power is undesirable. It will cause friction and irritation between the department and the non-official co-operators and tend to embitter their relations. It may give room for the play of political or party influences and it is more likely than not to aggravate the differences among members of the committee and make the smooth working of the society more difficult."

Sir, I may also refer in this connection to the considered opinion arrived at by the Bengal Provincial Co-operative Bank, the nerve-centre of the co-operative credit movement in the province, and even by the Bengal Co-operative Alliance which has been very aptly described in a resolution passed at the Co-operative Conference held on the 13th of July, 1940, as the non-official *benamdar* and appendage of the Co-operative Department. I had the good fortune of securing a copy of the amendment arrived at by the Joint Committee of the Bengal Provincial Co-operative Bank and Bengal Co-operative Alliance in which I see that they recommend deletion of clause 25 (*2*), and I am also in company in this matter with Mr. Wordsworth.

I hope my amendment will be accepted.

Rai HARENDRA NATH CHAUDHURI: Mr Wordsworth's amendment goes still further. It has a wide scope, because it proposes the deletion of the whole clause.

Mr. W. C. WORDSWORTH: In my personal capacity and not on behalf of the European group I support Mr. Banerjee's point of view. This is a very great power to give to the Registrar and a very serious and heavy responsibility to impose on any officer. Under clause 26, the Registrar has power already to deal with unsatisfactory societies and there seems to be no adequate reasons why he should be given also the large powers of 25 (*2*). To be able to debar a man from membership of a society for three years is a power that would certainly create resentment if it were used and I think it ought not to be used, and it ought not to be given. But if such a power is given by the Bill, I think there should be provision that two, or three, or four men of impartial judgment and experience of affairs should be associated with the Registrar in any exercise of it. But my amendment is there, and here I agree with Mr. Banerjee that clause 25 (*2*) should be completely eliminated.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With regard to amendment No. 50 moved by my friend Mr. Banerjee, I am afraid there is some amount of misapprehension. Clause 78 makes special mention of a creditor and of the circumstances under which he will be entitled to ask for inspection of the books of the society. Clauses 77 and 79 which have been mentioned in clause 25 are of a wide character. Following inspection and enquiry under which action under this clause can be taken, I submit that it is not necessary to have this clause 78 inserted in sub-clause (*1*) of clause 25.

As regards sub-clause (2) I am extremely sorry that I have to differ from the views put forward by Mr. Banerjee and also by Mr. Wordsworth. Reconstitution will mean nothing unless this power is given to the Registrar to exclude those for whom reconstitution will be wanted, and from that point of view after giving a very serious consideration the Select Committee came to the conclusion that this power should be provided in the Bill to be utilised when circumstances demanded it. I have no other alternative but to oppose the amendment.

Mr. SATYAPRIYA BANERJEE: With regard to clause 78 may I add a few words. After an inspection under clause 78 you can dissolve the society under clause 84; if it is possible under that clause to dissolve a society after an inspection under clause 78 you can also certainly reconstitute it after an inspection under clause 78. Please read the clause over again and clauses 78 and 84 also in that connection, and you will understand the justice of my contention.

The motion of Mr. Satyapriya Banerjee that in clause 25(*1*), in line 2, after the word and figures "section 77" the words and figures "or section 78" be inserted, was then put and lost.

The motion of Mr. Satyapriya Banerjee that clause 25(*2*) be omitted was then put and a division taken with the following result:—

AYES—72.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Haddow, Mr. R. R.
Hasan Ali Choudhury, Mr. Syed.
Haywood, Mr. Rogers.
Jalan, Mr. I. D.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.

Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Manirozzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Millar, Mr. C.
Morgan, Mr. G., C.I.E.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Scotson, Mr. Robert.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maninda Bhusan.
Steven, Mr. J. W. R.
Sur, Mr. Harendra Kumar.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Zaman, Mr. A. M. A.

NOES—76.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasehid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Biswas, Mr. Rasik Lal.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gurung, Mr. Damber Singh.
Habibullah, The Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Mafizuddin Ahmed, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mushorruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.

The Ayes being 72 and Noes 76 the amendment was lost.

The question that clause 25 stand part of the Bill was then put and agreed to.

Clause 26.

Mr. SATYAPRIYA BANERJEE: Sir, I do not move my amendment No. 52 as I do not find any ground to do so now.

(As there was too much talking on the Coalition party side)—

Mr. SPEAKER: May I request the members not to talk in the House? It becomes impossible for me to carry on business if members talk in this way.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move—

that in clause 26(*1*), lines 6-7, after the word "persons" the words "on furnishing proper security" be inserted, and also

that in clause 26(*1*), line 7, after the word "such" the word "other" be inserted.

Sir, I want to incorporate this provision for furnishing security in respect of those who will be appointed by the Registrar to take charge of the society in question. I am sure the Minister in charge will reply that all these things will be done in the rules. Well, Sir, if that is so, the matter ends there. But I think that at least in this case when a society by the fiat of the Registrar is being placed under a person who is a creature of the Registrar that person ought to furnish proper security and this should be incorporated in the body of the Act and not left to rules to be decided hereafter.

Dr. NALINAKSHA SANYAL: Sir, I beg to move—

that in clause 26(*1*), in line 7, after the word "prescribed" the words "and on such remuneration as the Provincial Government may provide" be inserted.

This amendment is self-explanatory.

Sir, it has been argued that there will be rules to guide the appointment of such persons to see if any security is to be furnished by such persons or not——

Mr. SPEAKER: Well, Dr. Sanyal, this will require previous sanction of the Governor. I am sorry that we in this department did not notice it.

Dr. NALINAKSHA SANYAL: If previous sanction is required, it can be obtained subsequently. If one of the officers of the Government already in their employ is appointed, then there would be no

necessity of sanction. If a servant of the Crown is so appointed, the question of further additional expenditure will not arise and therefore no additional sanction would be necessary, Sir. What I would like to suggest is that when the Registrar takes the power to appoint a person or persons to manage the affairs of a society and when the normal functioning of the managing committee is suspended and also when the society is not permitted to elect its own managing committee, it is only fair that the person or persons appointed by the Registrar on behalf of Government should be paid out of the provincial revenues or, the Registrar should appoint persons who are already in the employ of Government. Sir, it is only fair that a society should not be burdened with expenditure on account of the employment as its Manager of a person who is not desired by that society. There is a difference between clause 23A and clause 26 in one important respect. In the case of clause 23A it is on the application of a society that a person in the service of the Crown is to be appointed. Here on the contrary this appointment is imposed on the society—probably against its own will. Therefore, it is only fair that the remuneration or salary of such person or persons should be provided not out of the resources of the society but out of provincial revenues. That is all.

Mr. SPEAKER: Mr. Wordsworth, do you want to move your amendment?

Mr. W. C. WORDSWORTH: No, Sir, I am not moving it, as it is consequential on the decision on the last amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as Mr. Banerjee's amendment is concerned, perhaps it has been answered by my friend Dr. Sanyal to some extent when he said that if a servant of the Crown was appointed the question of security would not arise. If he is an outsider such matters will have to be taken into consideration and it is for that purpose the clause itself makes mention of this fact when it says "on such conditions as may be prescribed."

As regards Dr. Sanyal's further suggestion that the remuneration should come out of the provincial revenues, I have got to join issue with him, for that is a very heavy matter, and as we are not in a position to examine this question in all its bearings, we thought that we would not be justified in accepting the amendment on the floor of this House. It goes far beyond the scope of the clause, and I am very sorry to say that I am not in a position to accept this amendment.

Sir, I beg to move that in clause 26(*1*), line 8, after the words "of the" the word "co-operative" be inserted.

The motions of Mr. Satyapriya Banerjee—

that in clause 26(*1*), lines 6-7, after the word "persons" the words "on furnishing proper security" be inserted; and

that in clause 26(*1*), line 7, after the word "such" the word "other" be inserted

were then put and lost.

The motion of Dr. Nalinaksha Sanyal—

that in clause 26(*1*), in line 7, after the word "prescribed" the words "and on such remuneration as the Provincial Government may provide" be inserted

was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick—

that in clause 26(*1*), line 8, after the words "of the" the word "co-operative" be inserted

was then put and agreed to.

The question that clause 26, as amended, stand part of the Bill was then put and agreed to.

Clauses 27, 28 and 29.

The question that clauses 27, 28 and 29 stand part of the Bill was then put and agreed to.

Clause 30.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that after clause 30(*d*) the following be inserted, namely:—

"(*dd*) audited balance sheet;

(*ddd*) auditor's report;

(*dddd*) a register of mortgages created in favour of the society, if the society is a land mortgage bank."

Sir, I think the amendment is clear enough, and I also move my amendment No. 57, namely, that the following proviso be added to clause 30, namely—

"Provided that a certified copy of the documents mentioned above shall be available from the society on payment of a prescribed fee."

Mr. SPEAKER: There is one difficulty which I may point out. Does it mean that the society will make available audited balance sheets of all the years?

Mr. SATYAPRIYA BANERJEE: Only audited balance sheet of the year.

Mr. SPEAKER: This is not like the word "delegate"!

Mr. SATYAPRIYA BANERJEE: It is all the more clear.

My purpose in moving this amendment is that several complaints are made.

Mr. SPEAKER: I think you ought to move "audited balance sheet for the year" or something like that.

Dr. NALINAKSHA SANYAL: Why should it be for the year only? If the society has got audited balance sheets for several years, they should all be available for inspection.

Mr. SPEAKER: It is not possible for a village society to keep balance sheets for 30 years readily available. It is not a Secretariat Library.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I hope it will be appreciated that so far as the financial position and internal affairs of the society are concerned, they can never be disclosed to the public. The documents that are necessary for the public are indicated in clause 30 and I submit, Sir, that if we are to accept this amendment that will only have this effect, namely, that the society will be compelled to expose all their financial arrangements and internal affairs to the view of the public, which, I submit, is not desirable. So I oppose the amendments.

The motions of Mr. Satyapriya Banerjee that after clause 30(*d*) the following be inserted, namely—

"(*dd*) audited balance sheet;

(*ddd*) auditor's report;

(*dddd*) a register of mortgages created in favour of the society, if the society is a land mortgage bank,"

and that the following proviso be added, to clause 30, namely—

"Provided that a certified copy of the documents mentioned above shall be available from the society on payment of a prescribed fee";

were then put and lost.

The question that clause 30 stand part of the Bill was then put and agreed to.

Clause 31.

The question that clause 31 stand part of the Bill was then put and agreed to.

Clause 32.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 32, lines 6-7, for the words "as may be prescribed," the words "as may be provided for in the by-laws" be substituted.

Mr. SPEAKER: Does that fit in?

Mr. SATYAPRIYA BANERJEE: Yes. I have no more heart to speak on this motion. I simply move it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I simply oppose it.

The motion of Mr. Satyapriya Banerjee that in clause 32, lines 6-7, for the words "as may be prescribed," the words "as may be provided for in the by-laws" be substituted was then put and lost.

The question that clause 32 stand part of the Bill was then put and agreed to.

Clause 33.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 33(*1*), line 2, after the word "debentures" the word "issued" be inserted.

The motion was then put and agreed to.

The question that clause 33, as amended, stand part of the Bill was then put and agreed to.

Clause 33A.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 33A for the word "assignation," wherever it occurs, the word "assignment" be substituted.

I have got a number of amendments where I propose to substitute "assignment" for "assignation." So far as we are concerned, we are not Englishmen, so we do not know the implications of English words so well as the draftsman does, but so far as our acquaintance with this word in legal terminology goes we find that "assignment" is the more suitable word that we are acquainted with than "assignation." Therefore I propose that the word "assignment" be substituted for "assignation."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in clause 33A(*4*), line 1, for the words "due on" the words "payable in respect of" be substituted and for the word "the" at the end the word "a" be substituted;

that in clause 33A(*4*), line 2, after the word "any" the word "debentures" be inserted;

that in clause 33A(*5*), line 1, for the word "the" the word "a" be substituted;

that in clause 33A(*5*), line 3, after the word "shall" the words "subject to the previous permission of the Trustee" be inserted;

that in clause 33A(*5*), line 7, for the word "power" the word "virtue" be substituted; and

that in clause 33A(*5*), lines 11-12, the words "but such power shall not be exercised without the previous permission of the Trustee" be omitted.

The motion of Dr. Nalinaksha Sanyal that in clause 33A for the word "assignation" wherever it occurs, the word "assignment" be substituted was then put and agreed to.

The following motions of the Hon'ble Mr. Mukunda Behary Mullick, namely:—

that in clause 33A(*4*), line 1, for the words "due on" the words "payable in respect of" be substituted, and for the word "the" at the end the word "a" be substituted;

that in clause 33A(*4*), line 2, after the word "any" the word "debentures" be inserted;

that in clause 33A(*5*), line 1, for the word "the" the word "a" be substituted;

that in clause 33A(*5*), line 3, after the word "shall" the words "subject to the previous permission of the Trustee" be inserted;

that in clause 33A(*5*), line 7, for the word "power" the word "virtue" be substituted; and

that in clause 33A(*5*), lines 11-12, the words "but such power shall not be exercised without the previous permission of the Trustee" be omitted;

were then put and agreed to.

The question that clause 33A, as amended, stand part of the Bill was then put and agreed to.

Clauses 34 and 35.

The question that clauses 34 and 35 stand part of the Bill was then put and agreed to.

Clause 36.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 36, line 4, for the word "assignation" the word "assignment" be substituted.

The motion was then put and agreed to.

The motion that clause 36, as amended, stand part of the Bill was then put and agreed to.

Clause 38.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 38, line 2, for the word "Act" the words "law for the time being in force" be substituted.

The motion was put and agreed to.

The question that clause 38, as amended, stand part of the Bill was then put and agreed to.

Clause 39.

Dr. NALINAKSHA SANYAL: This is, Sir, one of the most important clauses of the Bill. This clause relates to restriction on lending. I beg to move that in clause 39(*1*)(*a*), in line 1, after the word "member" the words "or a depositor on the security of his deposit" be inserted.

That is one of my amendments. The particular section in the clause reads thus: "A co-operative society shall not make loans to any person other than a member, or (*b*) to a member in excess either of the maximum or of the normal credit determined by the society for that member in accordance with the rules whichever may be prescribed; or (*c*) save with the special sanction of the Registrar given in accordance with the rules, on the security of movable property."

Mr. SPEAKER: Will you move No. 63?

Dr. NALINAKSHA SANYAL: Yes, Sir, I will.

As regards sub-clause (*a*) where it is provided that a society shall not make loans to any person other than a member, I feel that this will make it difficult for the society to invite deposits if the depositors are not permitted to take loans on the security of deposits. If co-operative societies do not co-operate with depositors and a depositor is not allowed

to take loans against the security of his own deposit, it will be difficult to invite deposits, and this practical difficulty might stand in the way of co-operative societies flourishing at all. Therefore, that is my first amendment, and I trust the Hon'ble Minister in charge will see the justice of this amendment and accept the same. This is a provision which I have taken from the Madras Act.

So far as my other amendment is concerned, I beg to move that in clause 39(*1*)(*b*), lines 3 and 4, for the words "rules whichever may be prescribed" the words "the by-laws as may be provided" be substituted.

Sir, it is provided in the clause that the maximum normal credit of a member in a society should be decided in accordance with the rules which will be prescribed. Evidently, the idea is that it is the Registrar or the Provincial Government that will determine the maximum credit permissible to a particular member of the society. The societies will be so varied in their nature that it should be left to the by-laws of the societies rather than to the uniform rules of the Provincial Government to determine what should be the maximum permissible credit of individual members of each society. I have, therefore, proposed that instead of the rules to be prescribed we should substitute by-laws which may be framed by the society itself. In the framing of the by-laws the Registrar has got certain amount of control, and I believe the Registrar can see that no by-law may be framed which will be contrary to the spirit in which the department desires loans to be advanced. I want this to be changed, also because it has been pointed out by several eminent co-operators as well as by the framers of the statutory report of the Reserve Bank of India that maximum credit should not be determined on the maximum of the capital of a person, but should be fixed rather on the income of the person concerned, so that in case the person cannot pay, his whole assets may not be sold out, and he may still be kept up as a useful member of the society. The Floud Commission has also made similar recommendations. Therefore, Sir, I expect the Hon'ble Minister to accept the amendment that I propose to make and leave the matter to be decided by by-laws and not by rules to be prescribed by Government.

I have also got another amendment, namely, No. 64, which I also move. I move that clause 39(*1*)(*c*) be omitted.

Sir, this clause relates to not lending money save with the special sanction of the Registrar given in accordance with the rules, on the security of movable property. Sir, I cannot find any justification for a restrictive clause like this. We have contemplated now loans by land mortgage banks against immovable property. If we have restrictions on the working of ordinary co-operative credit societies to an extent that a co-operative society will not be able to advance loans on crops, then naturally we shall keep the door open for the village money-lenders and if you allow village money-lenders to come in, the healthy

effect or influence that we want to create through the operations of co-operative societies will be completely gone. I cannot find any justification for preventing the societies from advancing loans on securities of movable properties of either gold and silver ornaments or of crops if that is felt very necessary in the interests of the co-operative societies. The lending power of the co-operative societies should not be restricted in the manner sought to be done. If it is so done, the necessary result would be that there will be more lending on immovable properties and the liquid position of the societies will be in danger. If the liquid position of the societies is to be maintained, some amount of flexibility should be allowed in the matter of advancing loans on movables and if that also is to be restricted, the societies cannot properly function as money-lending institutions in the interests of the members of the societies. With these words, Sir, I move the deletion of clause 39(*1*)(*c*).

Mr. SATYAPRIYA BANERJEE: Sir, there is an amendment standing in my name, viz., that in clause 39 (*1*) (*c*), lines 1 and 2, the words "save with the special sanction of the Registrar in accordance with the rules" be omitted.

Sir, I do not find any reason for giving the power to the Registrar of sanctioning a loan on the security of movable property. Whether a loan can be given on the security of movable property, it is for the managing committee of the society to decide. They will look to the best interests of the society—certainly better than the Registrar.

Mr. SPEAKER: I am afraid you are mistaken. You want to delete the words "save with the special sanction of the Registrar in accordance with the rules." Your intention then is that the co-operative societies shall not make loans on the security of movable properties. At least your draft is to that effect.

Mr. SATYAPRIYA BANERJEE: Sir, the draft is rather irregular. My intention is that a co-operative society shall be at liberty to grant a loan on the security of movable property.

Mr. SPEAKER: Then better leave out your amendment.

Mr. SATYAPRIYA BANERJEE: Yes, Sir, I do.

Mr. DHIRENDRA NATH DATTA: Sir, with regard to clause 39, I have got an amendment, viz., amendment No. 240, and I would like to move it.

Mr. SPEAKER: I will take up the amendments in order. Mr. Wordsworth, will you move your amendments?

Mr. W. C. WORDSWORTH: Sir, I have got amendments, but I do not want to move amendment No. 54. I shall move only No. 53.

Sir, I beg to move that in clause 39(*1*)(*b*) the words "in the case of a primary society only" be inserted at the beginning.

All I have to say is that the body for whom I am speaking is very largely representative of central banks, and are of opinion that more latitude might be given to all societies other than the primary societies.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 39(*2*), line 2, for the words "the society or societies" the words "any society likely to be" be substituted.

Sir, I also beg to move that in clause 39(*2*), line 5, the word "co-operative" be omitted.

Sir, I also beg to move that in clause 39(*2*), line 6, for the words "co-operative societies" the word "society" be substituted.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that the following proviso be added to clause 39, namely:—

> "Provided that the rate of interest charged on the borrower from the rural societies shall not exceed 6¼ per cent. per annum."

Sir, it has been stated in my speech regarding recommittal that there is no provision as to the rate of interest in the Act itself. Sir, I have gone through the whole Act, but I have not found any such provision. Surely, it is left to the rule-making power of the Government. But I think this is a very important provision and it should be included in the Act itself, and the rate of interest charged on the borrowers from the rural societies should not—I think all the members will agree—exceed 6¼ per cent. per annum. I know that in Madras the rate of interest is less—it is 5 per cent. But here having regard to the peculiar circumstances and having regard to the fact that the present rate of interest is more than 6¼ per cent., I think it is reasonable that the rate of interest should not exceed 6¼ per cent. If the object of the Act itself is to grant loans to agriculturists for the purpose of purchasing cattle, seeds or for other agricultural purposes, I think, the rate of interest should not exceed 6¼ per cent. I hope, the Hon'ble Minister will accept my amendment.

Dr. NALINAKSHA SANYAL: Sir, I have to oppose amendment No. 53 moved by Mr. Wordsworth. I have got the greatest respect for Mr. Wordsworth who was my professor in college, and I know that he is one of the ablest men if he would apply his mind, but when good men become easy tools in the hands of others and obliging to designing people, they become very dangerous——

Mr. SPEAKER: I think he is repenting that you were his pupil! (Laughter.)

Dr. NALINAKSHA SANYAL: Sir, I would respectfully request him to see what would be the effect if it is accepted. The sub-clause provides that a co-operative society shall not make loans to a member in excess either of the maximum or of the normal credit determined by the society. Mr. Wordsworth wants us to get that check removed from central banks and the provincial bank, that is to say, so far as the provincial bank and the central banks are concerned, they should be completely free to advance loans beyond the credit of a member. I surely do not understand what business principle is involved in it or by what knowledge of sound banking management, Mr. Wordsworth is prompted in recommending that the provincial bank or central banks shall advance loans to persons when the securities do not cover such loans. Surely Mr. Wordsworth does not want the provincial bank or central banks to come to grief; or, possibly, it might be that he has moved this at the instance of persons who are themselves in the habit of taking loans or advancing loans to their protégés much beyond the security of such persons. It is a very dangerous proposition that Mr. Wordsworth has put forward——

Mr. SPEAKER: I think you can leave your Professor there! (Laughter.)

Dr. NALINAKSHA SANYAL: Sir, I therefore oppose this amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as amendment No. 62, moved by Dr. Sanyal, is concerned, I am entirely in agreement with him in principle; but if we were to include a provision like this in the Bill, it would only create difficulties in the way, namely, that it will have a tendency to take the money of the co-operative societies out of the movement absolutely. Recently we have given permission to the provincial bank to give loans to the depositors against their deposits and that provision—I am sure, Dr. Sanyal will be satisfied—is to be found in clause 8 which authorises Government to exempt a society or a class of societies from the operation of any or all the provisions of this Bill and following that, we have, in point of fact, permitted the provincial bank to issue loans to the depositors against their deposits. I am really at one with my friend Dr. Sanyal, but I am unable to include this amendment in the Bill itself.

Now, Sir, with regard to amendment No. 63 if it were left to the society to frame these by-laws, the result will be that each will do so according to its own sweet will, and it is absurd to accept such a proposition.

Now, Sir, as has been pointed out by Dr. Sanyal, the Report of the Land Revenue Commission shows as to what ought to be the credit of a person and they go further than what we have said here, and say that it ought to be restricted to his annual income.

Dr. NALINAKSHA SANYAL: By-laws will require Registrar's approval.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Rai HARENDRA NATH CHAUDHURI: Then, why fight shy of it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because it will certainly involve a question of principle, and as we are going to have it for the first time we have to examine it and be sure about its effect.

Now, Sir, with regard to No. 64, I expected that Dr. Sanyal would welcome this provision made by the Select Committee in clause 39, for if we were to accept his suggestion, then it will follow, as a matter of course, that the position of societies will become absolutely unpopular. Therefore, whenever they seek to do a little bit of banking, they will have to go to the Registrar and have his approval.

As regards amendment No. 53, my friend, Dr. Sanyal, has given the answer, and I need not repeat them. I hope Mr. Wordsworth will be good enough to withdraw his amendment.

Then, as regards amendment No. 240 about the rate of interest, we are extremely anxious to see that the agriculturist gets his loans at as low a rate of interest as possible. If we insert this rate of interest in the Bill, it will only do this, namely, that no loan would be advanced at a rate of interest less than 6¼ per cent. The idea is that if the financing banks earn their credit, they will be able to attract deposit and if they do so in the neighbourhood, they will be able to have credit at a very cheap rate of interest so that their lending rate will be equally cheap.

Mr. DHIRENDRA NATH DATTA: Sir, I have said that the rate of interest shall not exceed 6¼ per cent.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If it is in the Bill, that will be the tendency. It all depends upon the circumstances under which a financing bank will have to work. It must be appreciated that fiancing banks are anxious to help societies out of difficulties by advancing loans to them at as cheap a rate of interest as possible.

The motion of Dr. Nalinaksha Sanyal that in clause 39(*1*)(*a*), in line 1, after the word "member" the words "or a depositor on the security of his deposit" be inserted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 39(*1*)(*b*), lines 3 and 4, for the words "rules whichever may be prescribed" the words "the by-laws as may be provided" be substituted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that clause 39(*1*)(*c*), be omitted, was then put and lost.

The motion of Mr. W. C. Wordsworth that in clause 39(*1*)(*b*), the words "in the case of a primary society only" be inserted at the beginning, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that the following proviso be added to clause 39, namely—

> "Provided that the rate of interest charged on the borrower from the rural societies shall not exceed 6¼ per cent. per annum"

was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

> that in clause 39(*2*), line 2, for the words "the society or societies" the words "any society likely to be" be substituted;
>
> that in clause 39(*2*), line 5, the word "co-operative" be omitted; and
>
> that in clause 39(*2*), line 6, for the words "co-operative societies" the word "society" be substituted,

were then put and agreed to.

The question that clause 39, as amended, stand part of the Bill was then put and agreed to.

Clause 40.

Mr. SPEAKER: Dr. Sanyal, amendment No. 67 is a negative motion, so you cannot move it. You can speak against the clause itself.

Dr. NALINAKSHA SANYAL: All right Sir. This clause relates to restriction on transactions with persons other than members. The clause reads thus—

> "Save as provided in sections 32 to 39 inclusive, 47A and 47B, the transactions of a co-operative society with persons other than members shall be subject to such prohibitions and restrictions, if any, as may be prescribed."

I beg to submit that it is admitted that a co-operative society's principal business should be with the members themselves. But at the same time it is also recognised that subject to advantages being secured for members, transactions should be permitted to be made with non-members of a particular nature, particularly when societies like the consumer's societies and producer's societies are concerned. It is presumed that in case of a credit society, borrowers will be members, but the lenders of the society, that is the depositors, should be permitted to be non-members also. In the case of a consumer's society, the purchasers of things distributed by the society should be members, but the society should be in a position to buy its articles from non-members. Similarly, in the case of a producer's society, the producers should be all members, but the consumers of the articles produced should be permitted to be non-members; otherwise, a society cannot thrive. If the business of a society is to be confined, if all the transactions of the society are to be confined within the members themselves, no co-operative society can flourish. I have noticed, as our esteemed friend Rai Harendra Nath Chaudhuri has pointed out to me, that it may be provided under the rules, as stated herein, viz., "the restrictions, if any, as may be prescribed". I submit that this starts with a very wrong presumption. If there should be any restriction, the restrictions may be provided by the rules, but ordinarily there should not be any restriction at all. The clause as it stands states that the transaction of a co-operative society with persons other than members shall be subject to such prohibition and restriction as may be prescribed under rules. Naturally the rules will be of a general character applicable to all societies alike. The rules may not keep a particular type of society or even one individual society free unless the Hon'ble Minister takes recourse to the provisions of section 8. The position will be very difficult for a society to run. In the case of a multi-purpose society a section like this would positively prove harmful to the interests of the multi-purpose society. For certain purposes the society may rightfully have transactions with non-members and for others the transactions should again quite justifiably be restricted to members. Under such circumstances I would like this clause to be entirely deleted. If it is not possible for the Hon'ble Minister to accept the deletion entirely, I would request him most respectfully to make the section more explicit and not keep it as vague as it is now.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As my honourable friend Dr. Sanyal has indicated, there are different types of societies and their affairs will also have to be governed by different sets of rules. The clause itself shows the provisions of the Bill under which there can be transactions between non-members; levy of taxes with regard to irrigation societies can also be had from non-members,

but it ought not, I submit respectfully, to be the intention of a co-operative society to have dealings with non-members unless there are special reasons. These are matters which must be of a distinct character with respect to the society and all these will have to be settled in the rules. I do not differ from my friend Dr. Sanyal, so far as the principle is involved, but there are difficulties in the way which prevent us from accepting the suggestion to delete the clause.

The question that clause 40 stand part of the Bill was then put and agreed to.

Clause 41.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 41, line 6, for the word and letters "Chapter VI" the word and letters "Chapter VIII" be substituted. The amendment seeks a mere verbal correction. I believe the Hon'ble Minister at least will see that this is accepted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My amendment (No. 59) is exactly the same. I now move amendment (No. 58), namely, that in clause 41, line 4, for the words "and the" the words "or an" be substituted.

The motion was then put and agreed to.

The motion of Dr. Nalinaksha Sanyal was then put and agreed to.

The question that clause 41, as amended, stand part of the Bill was then put and agreed to.

Clause 42.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 42(*2*), line 4, after the word "pending" the words "on the date of such change" be inserted.

The motion was then put and agreed to.

The question that clause 42, as amended, stand part of the Bill was then put and agreed to.

Clause 43.

Mr. DHIRENDRA NATH DATTA: I beg to move that in clause 43(*1*), lines 2 to 3, the words "with the previous approval of the Registrar" be omitted.

This clause gives an authority to the members of the society to change its form of liability, but, Sir, it is subjected to one restriction, that is, the previous approval of the Registrar will be necessary. The object of this section is defeated if the change of liability is subjected to the approval of the Registrar. By this section the whole power is vested in the Registrar.

Mr. SPEAKER: Don't you see the danger? Suppose after a society has incurred a liability, it changes the form of its liability, will not the depositors be affected?

Mr. DHIRENDRA NATH DATTA: The depositors will deposit their money knowing that there is a section—section 43. But if the power is given to the members of the society and if it is restricted subject to the approval of the Registrar, the whole power vests in the Registrar himself and the object becomes frustrated. So I submit, Sir, that if the power is to be given at all, if this section 43 is to be retained, it should be retained with the deletion of the words "with the previous approval of the Registrar." Otherwise the section becomes meaningless.

With these few words I move my motion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My objection, Sir, is apparent. If we were to accept an amendment of this nature it would lead to dangerous positions. I do not think it is necessary for me to make a long speech.

The motion of Mr. Dhirendra Nath Datta that in clause 43(*1*), lines 2 to 3, the words "with the previous approval of the Registrar" be omitted, was then put and lost.

The question that clause 43 stand part of the Bill was then put and agreed to.

Clause 44.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 44, lines 3 and 4, the words "or when a person applies for membership of such a society" be omitted.

Sir, I can understand the usefulness of these words when a man applies for a loan, but when a man applies only for membership, I do not think it will be to the benefit of the society as it will scare away persons who desire to be its members. If in this way we put impediments in the way of a person becoming a member of a society, the society and with that the movement itself will suffer. At least, with regard to limited liability societies, these words have no meaning. With these few words I commend my amendment.

Dr. NALINAKSHA SANYAL: Sir, I beg to move "that the existing clause 44, be renumbered as sub-clause (*1*) of clause 44 and thereafter the following sub-clause be added, namely:—

"(*2*) Further, when a member of a co-operative society intends to take a loan from any outside creditor, he shall notify such intention to the society of which he is a member stating the name and address of the proposed creditor and the amount of loan applied for."

Sir, my amendment makes the picture complete. The Hon'ble Minister will notice that under clause 44 he proposes to obtain all necessary information about the loans of a member or one who proposes to be a member. It is only in the fitness of things therefore that after membership if a person proposes to obtain a loan that information also should be supplied to the society concerned. Otherwise, the complete picture about a member's liability will not be in the possession of the society. This is very necessary if the society has got to be run properly and the members of the society should have knowledge about the transactions that its other members are indulging in, whether those other members are getting too much under the grip of the village money-lenders or otherwise. It is quite possible that if the society comes to know of such prospective or proposed loans it may come to the aid of members and save them from any usurious transactions that they may be subjected to. Therefore, Sir, I propose that this additional sub-clause be provided for, and I suppose the Hon'ble Minister will have no objection to accepting this amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, in this connection may I move my amendment (No. 61)? It is this—that in clause 44, line 7, after the word "and" the word "may" be inserted.

With regard to the two amendments, so far as No. 69, moved by Mr. Satyapriya Banerjee, is concerned, the plain answer is this, that when a person intends to join a society, to become a member of that society, it is for the society to know the assets and liabilities of its intending members. It is just to ascertain the status of a particular member that all these details have to be supplied if the society so desires. And from that point of view this provision in the clause has been made.

Now with regard to the amendment of Dr. Sanyal, it is difficult for me to accept it in respect of all classes of societies. I may, however, inform him that this is done in the case of land mortgage banks, but when one becomes a member of a society it will be his duty along with those of his colleagues who are members of societies to see that they all run the society on proper lines so that one does not incur liability from any other persons, more than he can bear.

Dr. NALINAKSHA SANYAL: Sir, may I request you to intervene at this stage? If it is not possible for persons who have actually become members of a society to inform that society as to their intending or proposed loans how can other members exercise any healthy influence on them? That is one of the most important considerations I have in view, and I believe the Hon'ble Minister will be well advised in not brushing aside this proposition so hastily.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have told my honourable friend about the practice that we have with regard to land mortgage banks, but to have a definite provision of that nature in the Bill, will, I am afraid, lead to difficulties. It is only from that point of view that although I agree with him, I could not accept his amendment.

Mr. SPEAKER: The point Dr. Sanyal has raised is a very important one, and it is that the whole co-operative movement will be in jeopardy if you have too many statutes.

Rai HARENDRA NATH CHAUDHURI: Sir, may I ask one question? Unless the brother co-operators know of their intentions in respect of subsequent loans, how can they exercise any moral persuasion upon them?

Mr. SPEAKER: It may be difficult in towns, but not in villages.

Dr. NALINAKSHA SANYAL: They may know after the transaction is finished, but not before it.

Mr. SPEAKER: In any case it is a good provision, but, it has been put forward at such a late stage that it becomes difficult to interfere with the whole mechanism of the Bill. This is such an important matter that it ought to have been discussed in the Select Committee.

Dr. NALINAKSHA SANYAL: In any case, Sir, this amendment has been given notice of long ago and might have been given proper consideration by the Hon'ble Minister.

Mr. SPEAKER: As I have said, it is a very important matter and it is for consideration whether it should be embodied in the Bill or in the rules.

The motion of Mr. Satyapriya Banerjee that in clause 44, lines 3 and 4, the word "or when a person applies for membership of such a society" be omitted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that the existing clause 44, be renumbered as sub-clause (*1*) of clause 44 and thereafter the following sub-clause be added, namely:—

> "(2) Further, when a member of a co-operative society intends to take a loan from any outside creditor, he shall notify such intention to the society of which he is a member stating the name and address of the proposed creditor and the amount of loan applied for."

was then put and a division called for.

(After the division bell was rung and members had come in)—

Mr. SPEAKER: I would rather like to leave this clause to be taken up to-morrow, because it seems that the Government might reconsider their position. I do not know whether they will do so or not, but if the Government desire, I shall call off the division. As this is a very important matter, I think it would be better to leave this clause over till to-morrow. Since there has been so much discussion I think something may come out, and delay has always got its own healing effect.

(The clause was then left over.)

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. Sarat Chandra Bose's statement regarding suspension of Satyagraha Movement.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, may I have your permission to make a statement regarding the matter which was the subject of discussion in the House last evening?

In view of the Hon'ble the Chief Minister's statement in the Assembly last evening that "Government have decided to take immediate steps for the removal of the Holwell Monument," I take upon myself the responsibility of advising the public to suspend the Satyagraha movement which was started by Sj. Subhas Chandra Bose in the beginning of this month for the removal of the Holwell Monument. The spontaneous support which the movement has received from members of both the Hindu and Muslim communities in our province has, I hope, demonstrated to the authorities that the united demand of both the communities was behind the movement. The movement has now achieved its object and, therefore, I consider it right that it should be suspended.

The authority to call off the Satyagraha movement altogether is vested in Sj. Subhas Chandra Bose who started it in the beginning of this month. There are also other factors to be considered. The logical sequel to the decision of Government to remove the Holwell Monument ought to be the immediate release of all persons arrested under orders of the Government since the 2nd July last and detained in prison either without trial or after trial.

No announcement has yet been made by the Government that all those who have been arrested since the 2nd July last will be forthwith released. Moreover, the Committee of Enquiry announced by the Government has yet to be formed and the public has to be satisfied that proper amends will be made to the students, who were the victims of the brutal *lathi* charges day before yesterday.

All these factors and possibly some others will have to be taken into consideration by Sj. Subhas Chandra Bose for the purpose of coming to a decision as to whether the movement should be called off altogether.

Finally, I would appeal to the wider public outside this House, and particularly to the student community, to accept my advice and co-operate with me and await the final decision of Sj. Subhas Chandra Bose.

I ought to add that a statement on the lines I have made was issued to the Press last night by Sj. Tarakdas Banerji, acting Secretary of the Bengal Provincial Congress Committee, functioning at 6, Bhawani Dutta Lane, Calcutta, but the statement has unfortunately not been allowed by the Press Officer to be published.

Mr. SPEAKER: Mr. Bose, if you kindly give me a copy of that statement, I shall have it cyclostyled. It is unfortunate that I could not get the Hon'ble the Chief Minister, but I shall give a copy to the department as early as possible.

The Bengal Co-operative Societies Bill, 1938.

Mr. SPEAKER: Now I shall put to the vote amendment No. 61 of the Hon'ble Mr. Mullick to clause 44 and leave Dr. Sanyal's amendment No. 71 and the clause itself for the time being, and then take up clause 45.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 44, line 7, after the word "and" the word "may" be inserted, was then put and agreed to.

Clause 45.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 45, line 7, after the word "instituted" the words "by him" be inserted.

The motion was then put and agreed to.

The question that clause 45, as amended, stand part of the Bill was then put and agreed to.

Clause 46.

Mr. SATYAPRIYA BANERJEE: Sir, clause 46 should be omitted.

Sir, it may not be within the knowledge of the members of this House that it is an absolutely new provision. It is not to be found anywhere—neither in Act II of 1912, nor in any of the provincial Acts, save and except in Bihar and Orissa from where the real inspiration for this provision in the proposed Act has come.

Sir, according to well-established principles of jurisprudence, the statute of limitation is a statute of repose, peace and justice, and there is no reason why it should be relaxed in the case of co-operative societies. In the Registrar's note on the draft Bill, which was circulated to us, we find the following remarks: "This new section is ordinarily intended for primary societies in rural areas where due to dearth of competent and trained office-bearers and the consequent laches in management, bonds of borrowing members are allowed to be barred by limitation." How is it, Sir, that in the case of ordinary money-lenders bonds are not allowed to be barred by limitation and in the case of co-operative societies they are allowed to be so barred? It is more due to the laches of the auditors who do not point out that these bonds are barred, less due to the laches of the members of the managing committee as is suggested by the Registrar. He adds further: "The relation of debtor and creditor in a society is entirely different from that in ordinary *mahajani* business in that the society by lending tries to improve the economic and moral condition of the borrowers."

I submit to the members of the House: Do you intend to improve the economic and moral condition of the people by keeping the debt alive for an indefinite length of time, or do you intend to improve them by enabling the people to pay the debt in as short a time as possible?

I would refer in this connection to the resolution passed by the Conference of Registrars held in Delhi in December, 1939, in which the Hon'ble Minister in charge and the Registrar were also present. The resolution runs thus: "Primary societies should only give short and intermediate term loans repayable in a fixed period, ordinarily not exceeding three years, and with due regard to the purposes of the loans." If this clause is accepted as it stands, then the considered opinion arrived at by the Registrars of all the provinces will be set at naught. Moreover, I can quote the opinion of the greatest non-official authority on Indian Co-operation, namely, the Hon'ble Mr. Ramdas Pantalu. He says: "It is not right in principle to keep a liability against a member indefinitely pending throughout his life in the manner contemplated by clause 46." I specifically wrote to him my opinion about it and asked what he thought about it. He entirely agreed with me and wrote to me his opinion I quoted just now. If a speedy realisation of the debts due to the society by its members is to be the objective, then if this clause is retained the whole objective will be frustrated. I think, Sir, that it is an unsalutary provision which will keep the members of the society indebted to it for their life and the debt will be transmitted from the father to the son. If that is the manner in which they want to improve the material and moral condition of the people, then I have nothing further to say than this that the Government in that case will stand self-condemned, but if it is the intention of Government to improve the material and moral condition of the people by

enabling them to repay the debt by creating circumstances in which they can do it, then the one thing necessary is not to relax the law of limitation in favour of Co-operative Societies as is contemplated in this clause but to delete it and allow the ordinary law of limitation to operate. With these words, Sir, I commend my suggestion to the acceptance of the House.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I entirely agree with my friend Mr. Satyapriya Banerjee when he says that the intention of Government in bringing forward a Bill of this nature before the House is to try and see if they can increase the material resources of the masses, so that when they form themselves into co-operative societies and take loans they are able to repay the loans as early as possible. It is never designed that the agriculturists who are members of the societies should be kept under the perpetual bondage of a debt of this nature. On the contrary, the intention is to try and see that they are able to pay up their debts as early as possible. But, Sir, this clause is based upon experience of events that have taken place so far, and it is to help the realisation of debts which have been allowed to be barred and to see that such things do not recur that a clause of this nature has been inserted in this Bill. I hope my friend will realise this, and I hope further that in view of this he will not press for the deletion of the clause. (Mr. SATYAPRIYA BANERJEE: I won't do that.) In that case I will oppose it.

Sir, I move my own amendment on this clause which, I hope, will make the meaning of this clause clear.

I move that in clause 46(*1*), line 3, for the words "debt including interest" the words "the institution of a suit to recover any sum, including interest thereon" be substituted.

The motion was then put and agreed to.

The question that clause 46, as amended, stand part of the Bill, was then put and a division taken with the following result:—

AYES—92.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Afzaluddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badruddoja, Mr. Syed.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.

Edhar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Isphani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mahatabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Murtaguwzal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sahabe Alum, Mr. Syed.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.

NOES—47.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maqbul Hosain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Zaman, Mr. A. M. A.

The Ayes being 92 and the Noes 47, the motion was carried.

Notice of Statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I make a suggestion that in future when the Leader of the House or the Leader of the Opposition makes a statement, they will give due notice beforehand

to the other side. I believe this is the parliamentary practice and convention, and we may observe this here.

Mr. SPEAKER: Yes, that is the parliamentary convention.

Mr. SANTOSH KUMAR BASU: Sir, we on this side of the House are completely in agreement with the Hon'ble Home Minister in this matter. In this connection may I say that the Hon'ble Chief Minister made a statement yesterday, but no intimation was given either to the Leader of the Opposition or to any other member on this side. We, however, did not consider it desirable that such a thing should be repeated to-day. So attempts were made to reach the Hon'ble Chief Minister beforehand by our Chief Whip to give him intimation that the Leader of the Opposition was going to make a statement. But I understand that our Chief Whip could not reach the Hon'ble Chief Minister.

Sir, I am at one with the Hon'ble Home Minister that in future such a convention should be followed here.

Mr. SPEAKER: I think, I should make it absolutely clear once for all that whenever the Leader of the House or the Leader of the Opposition wants to make an important statement, he should inform me and simultaneously inform either the Whip or the Leader of the corresponding opposite party. I think if Government want to make a statement either the Chief Minister or any other Hon'ble Minister will take steps that the Government Whip informs the Leader of the Opposition, so that he may have an opportunity to come. Similarly, if the Leader of the Opposition wishes to make a statement, the Opposition Whip should inform the Leader of the House, so that he will have an opportunity to come. Unfortunately this practice has not been followed in the past. I think it should be followed in future. I want to make it clear that members will kindly not raise any objection at the time when such statements are made.

I can give you, Sir Nazimuddin, a copy of Mr. Bose's statement.

Dr. NALINAKSHA SANYAL: May we enquire, Mr. Speaker, what has happened with regard to your request to Government about the fixation of a date for the discussion of the Jute Ordinance?

Mr. Khwaja SHAHABUDDIN: We shall give you a date about it very soon.

Dr. NALINAKSHA SANYAL: We should have a little notice.

Mr. SPEAKER: Yes, certainly. I am very happy that only a very modest request has been made by Dr. Sanyal. (Laughter.)

The Bengal Co-operative Societies Bill, 1938.

Clause 47.

Mr. SATYAPRIYA BANERJEE: I beg to move that in clause 47 (*1*), line 3, the word "prior" be omitted.

I would only like to know from the Hon'ble Minister in charge whether the word "prior" before the word "claim" will not lead to any discrimination between current and arrear claims. I believe that it will lead to discrimination. The Bihar Government has adopted the deletion of the word "prior" in the Bill which was before the Council in the year 1935. This Government has taken the inspiration of the whole Bill from the Bihar Act and I hope that the Hon'ble Minister in charge will at least have the courtesy of following the example of the Bihar Act from which he has taken the whole Bill.

With these few words, I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 47 (*1*), in line 7, after the words "as rent" the words "or any secured debt" be inserted.

Sir, this clause relates to the creation of first charge of the demands of the co-operative societies over the assets of members. There are several sub-clauses, viz., (*a*), (*aa*), (*b*), (*c*), (*d*) and (*e*). (*a*), (*aa*), (*b*) and (*e*) relate to movables and (*d*) and (*e*) relate to immovables. It is proposed that the co-operative society will have first charge on the assets of any member or of any deceased member under certain circumstances, and exceptions have been made in the case of Government land revenue and some other things——

Mr. SPEAKER: Do you mean to say that if a man takes a secured debt and thereafter becomes a member of a co-operative society and incurs co-operative debt, the secured debt will be wiped out and the demand of the co-operative society will get priority over the secured debt?

Dr. NALINAKSHA SANYAL: That is the position now created by the Hon'ble Minister.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is a loan incurred by one as a member of the society.

Rai HARENDRA NATH CHAUDHURI: That is not the thing. The wording is "any debt or outstanding demand owing to a co-operative society by any member". This debt may be antecedent to his membership.

Dr. NALINAKSHA SANYAL: And, moreover, sub-clauses (*d*) and (*e*) make it clear that it would be for the purchase or redemption of land and for the building of a house.

Mr. SPEAKER: Let me clear the position. Suppose a person before being a member of the co-operative society, incurred a debt on a mortgage deed, and after that he joined the co-operative society and then he incurs debt there. The question is whether that debt will get priority over the secured debt.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I don't think the draft means that. What it means is that the debt incurred by a member after he has become a member will be the first charge.

Mr. SPEAKER: How can it mean this? The section reads thus: "Notwithstanding anything contained in sections 60 and 61 of the Code of Civil Procedure, 1908, or in the Bengal Tenancy Act, 1885, but subject to any prior claim of the Provincial Government in respect of rent, or any sum recoverable as rent, any debt or outstanding demand owing to a co-operative society by any member, past member or the estate of any deceased member shall be a first charge." These are specifications of the nature of debts and how the debts are incurred.

Rai HARENDRA NATH CHAUDHURI: And subsequent clauses refer to the purposes for which debts are incurred.

Mr. SPEAKER: Supposing a man after becoming a member of a co-operative society incurs certain debts for certain specific purposes mentioned in sub-clauses (*a*), (*b*), (*c*), (*d*) and (*e*), will those debts get priority over a secured debt?

Mr. DHIRENDRA NATH DATTA: I think I can help the Hon'ble Minister in this respect. Sub-clause (*a*) says that the demand will be the first charge upon the crops or agricultural produce——

Dr. NALINAKSHA SANYAL: What about clauses (*d*) and (*e*).

Mr. DHIRENDRA NATH DATTA: Sub-clauses (*d*) and (*e*) refer to the demand in respect of any loan incurred for the purchase or redemption of land. If the land was purchased before taking

loan, then that should be a secured debt and this section would not apply. But if the land was not purchased before and if the demand is due in respect of any loan upon the purchase of land, then this section will apply.

Mr. SPEAKER: I do not know how the drafting as it stands can mean that. Supposing a man purchases a piece of land with a loan entered into by a mortgage deed and then becomes a member of the co-operative society and again takes a loan there, for the construction of a house, then will the debt for the construction of the house get priority over the former secured debt?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know how the difficulty arises. If a man takes a loan somewhere else and repays it by taking a loan from the co-operative society, the former debt is wiped out. I do not understand what my friend Rai Harendra Nath Chaudhuri thinks.

Rai HARENDRA NATH CHAUDHURI: Will you permit me, Mr. Speaker, to explain my point of view?

Dr. NALINAKSHA SANYAL: Moreover, a clause like that, Sir, I submit, would require the previous sanction or approval of the Governor-General because it affects the Civil Procedure Code and the Transfer of Property Act. According to section 107 of the Government of India Act, previous sanction is necessary. The Civil Procedure Code is also mentioned in this clause specifically.

Mr. SPEAKER: It is quite all right so far as clause 47 (*a*) is concerned, namely, that it shall be a first charge upon the crops or agricultural produce etc.

Dr. NALINAKSHA SANYAL: I have made my position clear, Sir. So far as sub-clause (*a*), (*aa*), (*b*) and (*c*) are concerned, I have no objection. It is only as regard (*d*) and (*e*) that difficulty arises. In (*d*) it is mentioned—"if the demand is due in respect of any loan for the purchase or redemption of land, then the debt will be a charge upon the land purchased or redeemed by such member." If it is a question of redemption—suppose there is a mortgaged land, and I get some money from a co-operative society after I become a member, and with that money partly redeem my mortgage, but the mortgage remains. In that case my previous loan will become a second charge and my subsequent loan to the co-operative society will become a first charge. In case of partial redemption what will be the position, Sir?

Rai HARENDRA NATH CHAUDHURI: Sir, in this connection another point may also be considered. Take, for instance, an example when a land is purchased with a loan from a third party. Then the land is mortgaged for a second time for some other reason. On the third occasion he incurs a loan from a co-operative bank and he redeems the second mortgage and not the first. Then the loan that was taken from the co-operative bank for the purpose of the redemption of the second mortgage takes precedence over the loan that was taken for the purchase of land, *i.e.*, over the first mortgage. That will be the position, Sir.

Mr. SPEAKER: You can certainly have this—any loan subsequently incurred.

Mr. SURENDRA NATH BISWAS: Sir, even if the Hon'ble Minister's contention is accepted, I would draw his attention to a typical case which I now present before the House. Suppose a person purchases a particular plot of land for Rs. 600. He borrows Rs. 300 from a private party by mortgage and he borrows another Rs. 300 from a co-operative bank. Then, Sir, according to sub-section (*d*) this loan due to the co-operative bank will be a first charge on the entire land. It may, however, be argued that even in case of a mortgage, the second mortgage is always subject to the first mortgage. But in that case when a person purchases land he enquires of the proper offices, say, of the Registration Office, whether the land has been previously mortgaged or not, and he also enquires in the Civil Court whether the land has been attached or not. But in the case of a loan borrowed from a co-operative bank it is absurd to enquire of all the co-operative banks all over the province whether any particular debtor has already borrowed money from any co-operative bank in Bengal. There is no machinery for the lender to know whether that particular member owes any money to any other party. That being the position——

Mr. SPEAKER: As far as I can see, the real difficulty comes in (*e*).

Dr. NALINAKSHA SANYAL: That is very clear.

Rai HARENDRA NATH CHAUDHURI: The difficulty about clause (*e*), Sir, is very patent, but there is also the difficulty in (*d*).

Mr. SPEAKER: If a man intentionally wants to commit fraud, then it is very difficult to legislate against that.

Rai HARENDRA NATH CHAUDHURI: But, Sir, we can conceive of such a thing as partial redemption.

Mr. SPEAKER: Anyway, it seems to me that sub-clause (*e*) presents a real difficulty.

Mr. DHIRENDRA NATH DATTA: Sir, the Hon'ble Minister refers only to sections 60 and 61 of the Civil Procedure Code. They have nothing to do with secured debts. He has not said: "Notwithstanding anything contained in the Transfer of Property Act or the Civil Procedure Code." He has mentioned only the Civil Procedure Code. You know, Mr. Speaker, that Order XXXIV relates to mortgages of immovable property. Sections 60 and 61 have nothing to do with mortgage.

Mr. SPEAKER: Anyway, if this proviso safeguards that, then it is all right.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, we have that in contemplation.

Mr. SPEAKER: It is quite possible that the first provision safeguards a mortgage and it is "Notwithstanding anything contained," etc.

Rai HARENDRA NATH CHAUDHURI: No, no, it will not.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Now, as regards the amendment of my friend, Mr. Satyapriya Banerjee——

Dr. NALINAKSHA SANYAL: Sir, I think it would be better if we further examine sections 60 and 61 of the Civil Procedure Code. This section 47 is a very complicated section, and, if you agree, Sir, discussion on this clause may be held over.

Mr. SPEAKER: All right. This stands held over.

Mr. SPEAKER: Mr. Mullick, will you move your amendment, No. 68?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, along with No. 68 may I move all the amendments of mine under clause 47?

Mr. SPEAKER: That clause has been held over for the present.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: But there is no harm, Sir. I simply move them:

that in clause 47(*1*), line 8, for the word "owing" the word "due" be substituted,

that in paragraphs (*a*), (*aa*), (*b*), (*c*), (*d*) and (*e*) of clause 47(*1*) for the words "the demand" wherever they occur in line 1, the words "such debt or demand" be substituted,

that in paragraph (*d*) of clause 47(*1*), line 4, for the words "in whole" the word "wholly" be substituted, and

that in clause 47(*2*), line 7, after the word "articles" the words "houses", "buildings" be inserted.

Dr. NALINAKSHA SANYAL: I may at once inform the Hon'ble Minister that we have no objection to accepting his amendments Nos. 64 and 67.

Clause 48.

Mr. SPEAKER: Anyway, they will be taken up to-morrow. Mr. Mullick may now move his amendment No. 68 on clause 48.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 48, line 8, after the figures "69" the word "inclusive" be inserted.

The motion was then put and agreed to.

The question that clause 48, as amended, stand part of the Bill was then put and agreed to.

Clauses 47A and 47B.

The question that clauses 47A and 47B stand part of the Bill was then put and agreed to.

Clause 48A.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 48A, lines 2 and 3, the words "or of any other person" be omitted.

Sir, I would not press this amendment very much. I appreciate that there would be some amount of convenience if private persons under whom members of a co-operative society are employed may, by virtue of any enactment, be compelled to collect the dues to co-operative societies through their pay bills. But, Sir, I would submit for the consideration of the House and of the Hon'ble Minister if he is not introducing a very dangerous principle here. By virtue of this section any employer will be required to collect the dues of an employee to a co-operative society from out of his salary bill, and he is to maintain elaborate accounts and has to be sure of the regular payment thereof to the

society. It has been our experience that in the case ne-tax payment considerable difficulties arise. Although the income-tax law is very rigorous in this respect, viz., that every employer has to deduct from the salary of his employees their income-tax dues, yet sometimes the employers forget to so collect, or, sometimes, even after collection they do not make the payment in due time. Thereafter some new complication arises. When a private employer collecting dues to a co-operative society fails to pay that to the co-operative society in time, interest will be running, and it will be difficult to realise that interest from the employer. The employee will take the plea that from his salary bill this amount of money has been deducted, and the employer will say that he is not bound to give the amount in due time. All the same interest, in the mean time will be accumulating on the amount not paid to the co-operative society. So, I would like the Hon'ble Minister to examine the position further. Besides, Sir, it is not the practice of all the employers to make payments to their employees on the due date on the expiry of a particular month. Some employers pay their employees on the 1st of the following month; some on the 10th; some on the 15th. There are varying dates on which payments are made. In case such a power is given to the employer to deduct from the salaries of employees their dues to the co-operative societies, it will be difficult for the employee to make prompt and effective payment as and when the dues mature or as and when the dues have got to be paid. That is from the point of view of the employee. From the point of view of the employer also, there will be considerable practical difficulty when there are a large number of employees in a firm and the employer has got to maintain an elaborate system of accounts to find out what are the respective dues of each of the employees to a particular co-operative society or a number of societies of which the employees may be members.

Mr. SPEAKER: Surely, it will not be made a penal offence.

Dr. NALINAKSHA SANYAL: That will be all the more convenient for the employer to collect the amount and not to pay.

Mr. SPEAKER: That will be breach of trust.

Dr. NALINAKSHA SANYAL: Then it will be penal. If he collects and does not pay, then of course it will be a matter of criminal law. I submit that such rigour should not be extended to include private employers. It is of course in the fitness of things that Government and local authorities should be required to deduct the dues.

Mr. SPEAKER: I suppose the intention here is to include limited companies.

Dr. NALINAKSHA SANYAL: If that is stated I think that will be all right, but if any other person is mentioned, it goes a little beyond this scope. If the Hon'ble Minister puts it as "any other limited Company" as a short-notice amendment, I am prepared to accept it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think I have got anything more to say. I hope my friend Dr. Sanyal also will realise it.

The motion of Dr. Nalinaksha Sanyal that in clause 48A, lines 2 and 3, the words "or of any other person" be omitted was then put and lost.

The question that clause 48A stand part of the Bill was then put and agreed to.

Clause 49.

The question that clause 49 stand part of the Bill was then put and agreed to.

Clause 50.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in clause 50 (*1*), line 3, the word "license" be omitted;

that in clause 50 (*1*), line 4, for the words "Provincial law," the words "law for the time being in force" be substituted;

that in clause 50 (*1*), line 5, the words "or under any enactment" be omitted; and

that in clause 50 (*2*), line 1, for the words "the case" the word "respect" be substituted.

The motions were then put and agreed to.

The question that clause 50, as amended, stand part of the Bill was then put and agreed to.

Clause 51.

The question that clause 51 stand part of the Bill was then put and agreed to.

Adjournment.

It being 8-5 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 25th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 25th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 212 members.

STARRED QUESTIONS

(to which oral answers were given)

Filling up of vacancies in Sub-Registry Offices at Dinajpur.

*67. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether two posts of temporary clerks recently fell vacant in the Sub-Registrars' Offices in the district of Dinajpur?

(*b*) Have the vacancies been filled up?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many candidates applied for the posts;

(*ii*) what were their respective qualifications and experiences; and

(*iii*) whether there was any one amongst the applicants who had previous experience in the department?

(*d*) If the answer to (*c*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any one of them was appointed to the post?

(*e*) If not, why not?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) who have been appointed to the posts; and

(*ii*) what are their respective qualifications?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No, but two posts of permanent *muharrirs*.

(*b*) Yes.

(*c*) (*i*) 42.

(*ii*) Five applicants read up to the I.A. standard, one up to the I.Sc. standard, 19 were matriculates and others were non-matriculates. Thirty had previous experience of office work and the others had no such experience.

(*iii*) Yes, 17 such.

(*d*) Two of them were appointed.

(*e*) Does not arise.

(*f*) (*i*) Munshi Safiuddin Ahmed and Munshi Mahiuddin Ahmed. Both were extra *muharrirs*.

(*ii*) Both read up to the Matriculation standard.

Mr. NISHITHA NATH KUNDU: Before putting the supplementary question, Sir, I wish to draw the attention of the Hon'ble Minister to his replies to questions (*c*) (*ii*) and (*c*) (*iii*). In giving the number of applicants who had previous experience he says in his reply (*c*) (*ii*) that 30 applicants had previous experience, but later in answer (*c*) (*iii*) he says "seventeen". Will the Hon'ble Minister now please tell us how he reconciles these two figures? I want to know whether thirty is the correct figure or seventeen.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not see any discrepancy.

Mr. NISHITHA NATH KUNDU: In answer (*c*) (*ii*) the Hon'ble Minister has stated that 30 applicants had previous experience, but in answer (*c*) (*iii*) he says that seventeen had previous experience.

Mr. SPEAKER: I think that 30 applicants had previous experience of office work, while seventeen had previous experience in the department.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, that is so.

Mr. NISHITHA NATH KUNDU: Of these 17 and 30 applicants, will the Hon'ble Minister be pleased to tell us how many, if any, were there who read up to the I.A. or I.Sc. standard?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice. Besides, Sir, these appointments are made by the District Sub-Registrar, and Government have got nothing to do with them.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us how many out of these applicants were Hindus and how many Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Khaksar movement in and around Calcutta.

*68. **Dr. SURESH CHANDRA BANERJEE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what steps Bengal Government have taken to check the Khaksar movement in and around Calcutta?

(*b*) whether he is aware of the parades of the Khaksars almost every night in the parks of Calcutta and its suburbs;

(*c*) if so, are these parades held with the sanction of the Government;

(*d*) whether this Khaksar organisation in Calcutta has any organisational connection with the Khaksar movement in the Punjab;

(*e*) whether the Hon'ble Minister is aware of the recent activities of the Khaksars in the Punjab;

(*f*) if so, do the Government here consider it desirable to allow the movement to grow in Bengal unchecked; and

(*g*) whether the Government of Bengal are in correspondence with the Central Government to ascertain whether these Khaksars have a secret connection with the Nazis of Germany and that they are meant to form the Fifth Column in this country?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) None at present.

(*b*), (*d*) and (*e*) Yes.

(*c*) and (*g*) No.

(*f*) The whole question of the treatment of volunteer organisations is under examination.

* **Dr. SURESH CHANDRA BANERJEE:** With reference to answer (*e*), is the Hon'ble Minister aware what a serious shape this Khaksar movement has taken in the Punjab?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state with reference to answer (*g*) whether he is aware that the Premier of the Punjab has made a public statement that the Khaksars are the agents of the enemy? Has the Government of Bengal considered the desirability of ascertaining whether that statement is ture or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got no further information than what has been reported in the papers, and I do not think there is any necessity for making any equiry into the matter.

Mr. ATUL CHANDRA SEN: With reference to answer (*f*), where the Hon'ble Minister says: "The whole question of the treatment of volunteer organisations is under examination", do we understand him to say that Government treat the Khaksar movement as an ordinary volunteer organisation and they think that all reports about their connection with the Nazis are baseless and that is why Government have not taken any steps?

Mr. SPEAKER: Mr. Sen, I am afraid you have asked about five questions! (Laughter.)

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Government think that the Khaksar movement is an ordinary volunteer organisation?

The Hon'ble Khawaja Sir NAZIMUDDIN: Government make no distinction between an ordinary volunteer organisation and the Khaksar organisation.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether Government has arrived at any policy with regard to the Khaksar movement?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, the Khaksar movement cannot be treated separately from other volunteer organisations, and the whole question is under examination.

Mr. SIBNATH BANERJEE: With reference to answers (*b*) and (*c*), is the Hon'ble Minister aware that the Khaksars are parading in the parks of Calcutta without the permission of Government and, if so, where is the portfolio of law and order just now? (Laughter.)

Mr. SPEAKER: That question does not arise.

Disafforestation of certain areas in Sundarbans and Chittagong.

*69. **Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the Government contemplate—

(*i*) the disafforestation of the Chakaria, Sundarbans and other reserve forest lands of the Chittagong district which are suitable for cultivation and habitation; and

(*ii*) the settlement of the same on the *raiyatwari* system directly to the landless agriculturist labourers of the district?

(*b*) Is the Hon'ble Minister aware—

(*i*) that there is an organised body known as "Chittagong Landless Agriculturists Association"; and

(*ii*) that it has already applied to the Government on the subject?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) So far as the Chakaria Sundarbans reserved forests are concerned, Government have already appointed a Committee to go into the question of disafforestation and subsequent settlement. As regards other reserved forests in the district of Chittagong a detailed statement of areas already disafforested was supplied to the member in answer to his starred question No. 129 during the last session of the Assembly.

(*b*) I am not aware of the existence of any such association and no application has been received from it.

Grants to non-Government Girls' Schools during 1939-40.

*70. **Maulvi MOHAMMAD HASSANUZZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the amount placed at the disposal of the Inspectress of Schools, Eastern Circle (Dacca) and Western Circle, respectively, out of the grant of Rs.1,00,000 sanctioned for the non-Government secondary schools for girls, 1939-40;

(*ii*) the present number of non-Government Muslim girls'—

(1) high English, and

(2) middle English schools,

in the Province;

(*iii*) the number of them that exist in Dacca Circle;

(*iv*) the amount spent for the high English and middle English schools meant for—

(1) Muslim girls only, and
(2) other girls' schools;

(*v*) the amount that has been spent under the following heads, namely:—

(1) additional recurring grant,
(2) capital grant,
(3) furniture grant, and
(4) stipends for girls

for—

(A) Muslim girls' schools, and
(B) other girls' school?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing, school by school, the detailed statements of expenditure incurred up to date out of the grant of Rs.1,00,000 for 1939 and 1940?

(*c*) How much of the balance, if any, is still left unspent?

(*d*) How do the Government propose to spend this unspent balance particularly in the Eastern Circle?

(*e*) Is the Hon'ble Minister aware that the Muslim females are backward in education?

(*f*) If so, is the Hon'ble Minister considering the desirability of reserving a portion of the grant to be spent annually as recurring and non-recurring expenditure for the advancement of Muslim female education in secondary schools for purely Muslim girls?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement furnishing the required particulars is laid on the table.

(*b*) Two statements showing the distribution of the additional allotment in the Eastern and Western Circles of the Province, are laid on the table.

(*c*) Nil.

(*d*) Does not arise.

(*e*) Yes.

(*f*) Almost all the existing Muslim girls' schools (high English and middle English) already receive grants from the Department. It is not, therefore, considered desirable to reserve a portion of the grant, either recurring or non-recurring, for purely Muslim girls' schools. This question will, however, be considered when more such schools apply for grants to this Department and when more money becomes available in the budget.

Statement referred to in the reply to clause (a) of starred question No. 70.

The amount placed at the disposal of the Inspectress of Schools, Eastern Circle (Dacca) and Western Circle, respectively, out of the grant of Rs.1,00,000 sanctioned for the non-Government Secondary Schools for Girls, 1939-40. (a) (i)	The present number of non-Government Muslim girls'— (1) high English, and (2) middle English schools, in the province. (ii)	The number of them that exist in Dacca Circle. (iii)	The amount spent for the high English and middle English schools meant for— (1) Muslim girls only, and (2) other girls' schools. (iv)	The amount that has been spent under the following heads, namely :— (1) additional recurring grant, (2) capital grant, (3) furniture grant, and (4) stipends for girls for— (A) Muslim girls' schools, and (B) other girls' schools. (v)
Rs. Inspectress of Schools, Presidency and Burdwan Divisions .. 55,000 Inspectress of Schools, Dacca Circle .. 45,000	(1) High English .. 1 (2) Middle English .. 14	High English .. 1 Middle English .. 3	The following amounts are spent for high English and middle English schools on account of grants-in-aid— Rs. (1) Schools reserved for Muslim girls 27,852 (2) Other girls' schools .. 3,80,000	The amount that has been spent under the following heads during 1939-40— For schools reserved for Muslim girls. / For other girls' schools. (1) Additional recurring grant 3,600 / 96,400 (2) Capital grant Nil / 94,676 (3) Furniture grant .. 1,700 / 4,000 (4) Stipends for girls .. 4,103 / 2,388

Statement I referred to in the reply to clause (b) of starred question No. 70.

INSPECTRESS OF SCHOOLS, PRESIDENCY AND BURDWAN DIVISIONS.

Serial No.	Name and status of schools.	Locality.	Amount of Government grant out of the additional allotment of Rs.55,000.	
			New.	Additional.
1	2	3	4	5
	High Schools.		Rs.	Rs.
1	Beltola Girls' ..	17, Beltola Road, Calcutta ..	..	40
2	Sir R. C. Mitter Memorial	15, Jogesh Mitter Road ..	..	70
3	Peary Charan Girls' ..	126, Tarak Pramanick Road, Calcutta.	..	70
4	Shambazar Girls' ..	47, Bosepara Lane, Calcutta	..	50
5	Bharat Stri Sikshasadan ..	159-1A, Bowbazar Street, Calcutta.	..	100
6	City Girls' ..	46, Amherst Street, Calcutta	150	..
7	St. Mary's Girls' ..	1, Convent Lane, Calcutta ..	..	125
8	Ballygunge Girls' ..	4, Hindusthan Road (24-Parganas).	..	100
9	Jeeva Shiva Mission K. C.	4-2, Kamardanga Road, Calcutta.	..	75
10	Surah Kanya Bidyalaya ..	33, Talpooker Road, Calcutta	..	125
11	Chetla Girls' ..	66-1, Jaynuddi Mistri Lane (24-Parganas).	..	50
12	Lake Girls' ..	P. 13, Lansdowne Road Extension, Calcutta.	100	..
12	Madhusudan Turaprasanna Girls'.	Jessore ..	..	50
14	Coronation Girls' ..	Khulna ..	..	50
15	Lady Carmichael Girls' ..	Nadia ..	..	100
16	Berhampur Girls' ..	Berhampore ..	..	100
17	Howrah Girls' ..	Howrah ..	..	100

Serial No.	Name and status of schools.	Locality.	Amount of Government grant out of the additional allotment of Rs.55,000.	
			New.	Additional.
1	2	3	4	5
	High Schools—concld.		Rs.	Rs.
18	Kalitola Girls' ..	Bankura ..	..	100
19	Mission Girls' ..	Midnapur ..	..	50
20	Chinsura Balika Bani Mandir.	Hooghly ..	..	100
21	Serampur Girls' ..	Ditto ..	..	100
22	Municipal Girls' ..	Burdwan ..	..	100
23	Ushagram Girls' ..	Asansol-Burdwan ..	..	50
24	Umarani Gorai Mohila Kalyan Girls'.	Ditto ..	..	100
	Middle English Schools.			
1	L. M. S. Kalighat Girls' ..	6, Greek Church Row, Calcutta.	..	5
2	Behala Girls' ..	Behala, 24 Parganas ..	100	..
3	Sarbamangala Girls' ..	Aridah, 24-Parganas ..	75	..
4	Bhatpara Central Girls' ..	Bhatpara, 24-Parganas ..	150	..
5	Shamseah Zenana Madrasah	Garden Reach, 24-Parganas	300	..
6	Itna Jagadiswari ..	Itna, Jessore ..	..	25
7	Mono Mohini Girls' ..	Bagerhat, Khulna ..	..	105
8	Mulghar Girls' ..	Mulghar, Khulna ..	..	50
9	Manindra Chandra Girls'	Chuadanga, Nadia ..	75	..
10	Dearapara Girls' ..	Nabadwip, Nadia ..	100	..
11	Brojabala Girls' ..	Ranaghat, Nadia ..	75	..
12	Bonharishpur Girls' ..	Bonharishpur, Howrah ..	..	105

Serial No.	Name and status of schools.	Locality.	Amount of Government grant out of the additional allotment of Rs.55,000.	
			New.	Additional.
1	2	3	4	5
	Middle English Schools—concld.		Rs.	Rs.
13	Shibpore Bhowani Girls' ..	Shibpore, Howrah ..	150	..
14	Shibpore Hindu Girls' ..	Ditto ..	75	..
15	Radharani Memorial Girls'	Khantura, Howrah ..	75	..
16	Shivadas Central Girls' ..	Vishjupur, Bankura ..	75	..
17	Brojamohan Girls' ..	Nandigram, Midnapur ..	75	..
18	Hanschar Sindhbala ..	Hanschar, Midnapur ..	75	..
19	Chandramoni Girls' ..	Contai, Midnapur ..	..	(a)50
20	Binodini Girls' ..	Ghutiabazar, Hooghly ..	..	85
21	Golap Mohini Girls' ..	Singur, Hooghly ..	..	3
22	Kalna Girls' ..	Kalna, Burdwan ..	..	25
23	Rampurhat Girls' ..	Rampurhat, Birbhum ..	100	..
24	Bolepur Girls' ..	Bolepur, Birbhum ..	..	50
	Primary Middle Schools.			
1	Nawabgunge Girls' ..	Nawabgunge, 24-Parganas ..	..	(b)25
2	Gobardanga Girls' ..	Gobardanga, 24-Parganas ..	..	(b)20
3	Taki Sasthibar Girls' ..	Taki, 24-Parganas ..	(c)35	..

(a) Permission granted to open high school classes.
(b) For the maintenance of classes V and VI.
(c) For the maintenance of extension classes.

Serial No.	Name and status of schools.	Locality.	Amount of Government grant out of the additional allotment of Rs.55,000.	
			New.	Additional.
1	2	3	4	5
	Primary Middle Schools —concld.		Rs.	Rs.
4	Basirhat Girls' ..	Basirhat, 24-Parganas ..	(c)30	..
5	Narail Town Girls' ..	Narail, Jessore ..	(c)35	..
6	Jhenidah Girls' ..	Jhenidah, Jessore ..	(c)40	..
7	Sarada Charan Girls' ..	Siddhipasa, Jessore ..	(c)50	..
8	Manindra Chandra Girls'	Lalbagh, Murshidabad ..	(c)38	..
9	Burnpur Girls' ..	Burnpur, Burdwan ..	(c)50	..

(c) For the maintenance of extension classes.

	Per mensem.	
	Rs.	
(1) New grant ..	2,028	
(2) Additional grant ..	2,353	
	4,381	or Rs. 52,572 per year.

Additional allotment ..	55,000		Rs.
Restoration of cut, *vide* Director of Public Instruction's D.-O. No. 762, dated the 11th May, 1939.	2,424*	*Binapani Girls' High English	55
		Brahmo Girls' ..	50
		United Missionary ..	40
		Beltala Girls' ..	20
		B. Z. M. Boarding ..	25
	52,576 (available for distribution).	Methodist Mission ..	12
			202
		i. e.,	2,424 per annum.
Additional and new grant distributed as per statement.	52,572		
Balance ..	4		

Statement II referred to in the reply to clause (b) of starred question No. 70.

Serial No.	Name and status of schools.	Locality.	Government grant.	
			New.	Additional.
1	2	3	4	5
	HIGH ENGLISH SCHOOLS.		Rs.	Rs.
1	Barlow Girls' ..	Malda ..	..	60
2	Bindhubashini Girls' ..	Tangail (Mymensingh)	..	110
3	A. V. Girls' ..	Munshiganj (Dacca) ..	..	100
4	Aparnacharan Girls' ..	Chittagong ..	..	50
5	Radhasundari Girls' ..	Mymensingh ..	..	60
6	Dinajpur Girls' ..	Dinajpur ..	..	105
7	Donovan Girls' ..	Madaripur (Faridpur) ..	..	10
8	V. M. Girls' ..	Bogra ..	..	90
9	Sadar Girls' ..	Barisal ..	..	100
10	Rangpur Girls' ..	Rangpur ..	..	114
11	Jalpaiguri Girls' ..	Jalpaiguri ..	..	100
			..	899
	MIDDLE ENGLISH SCHOOLS.			
	Dacca district.			
1	S. K. Girls' ..	Manikganj ..	..	10
2	Vidyamandir ..	Puranpaltan, Dacca ..	..	25
3	Toomulia Mission Girls' ..	Toomulia, Dacca ..	..	83
4	Sukhabashpur Girls' ..	Sukhabashpur, Dacca ..	..	35
5	Jagat Chandra Girls' ..	Arial, Dacca ..	100	..
6	Ribor Girls' ..	Ribor, Dacca ..	50	..
7	Moslem Girls' ..	Dacca ..	..	20

Serial No.	Name and status of schools.	Locality.	Government grant.	
			New.	Additional.
1	2	3	4	5
			Rs.	Rs.
	MIDDLE ENGLISH SCHOOLS—contd.			
	Mymensingh district.			
8	N. N. Girls' ..	Muktagacha ..	65	..
9	Joydurga Girls' ..	Sherpur ..	90	..
10	Mission Girls' ..	Haluaghat ..	100	..
11	P. M. Girls' ..	Kishoreganj ..	50	..
12	Mission Girls' ..	Birisiri ..	50	..
13	Holy Family Girls' ..	Bhatikashar ..	70	..
14	Girls' ..	Kanchijhuli ..	80	..
	Faridpur district.			
15	Girls' ..	Palong ..	75	..
	Backarganj district.			
16	Swarnamoyee Girls' ..	Baisari ..	75	..
17	S. Banerji Girls' ..	Kaukhali ..	65	..
18	Baptist Mission Girls' ..	Barisal ..	..	30
19	Sasthipriya Girls' ..	Kirtipasha ..	160	..
	Chittagong district.			
20	Kanungopara Girls' ..	Chittagong ..	..	30
21	Choupalli Girls' ..	Choupalli ..	65	..
			1,095 +	233
			1,328	

Serial No.	Name and status of schools.	Locality.	Government grant.	
			New.	Additional.
1	2	3	4	5
	MIDDLE ENGLISH SCHOOLS—contd.			
	Tippera district.		Rs.	Rs.
22	Baburhat Girls' ..	Baburhat ..	75	..
23	Nabinagar Girls' ..	Nabinagar ..	75	..
24	Rani Sarojini Girls' ..	Brahmanbaria ..	75	..
	Noakhali district.			
25	Lamchar Girls' ..	Lamchar ..	75	..
26	Sandwip Urban Girls' ..	Sandwip ..	75	..
	Darjeeling district.			
27	Nepali Girls' ..	Darjeeling ..	..	85
28	Bengali Girls' ..	Siliguri ..	50	..
29	St. Joseph's Girls' ..	Kurseong ..	120	..
30	St. Philomena ..	Kalimpong ..	100	..
	Dinajpur district.			
31	N. N. Girls' ..	Parbatipur ..	75	..
32	Sri Sri Sardeswari Vidyamandir	Dinajpur ..	40	..
33	Girls' ..	Balurghat ..	..	23
34	Girls' ..	Thakurgaon ..	100	..
35	Girls' ..	Raiganj ..	..	50
	Jalpaiguri district.			
36	Kadamtala Girls' ..	Jalpaiguri ..	100	..

Serial No.	Name and status of schools.	Locality.	Government grant.	
			New.	Additional.
1	2	3	4	5
	MIDDLE ENGLISH SCHOOLS—concld. *Rangpur district.*		Rs.	Rs.
37	Lalmanirhat Girls' ..	Lalmanirhat ..	75	..
38	Khagabarabari Girls' ..	Khagabarabari ..	60	..
39	Manika Girls' ..	Belka ..	50	..
40	Nilphamari Girls' ..	....	..	30
41	Begum Sakina Majid ..	....	..	76
	Pabna district.			
42	Girls' ..	Paksey ..	..	30
	Malda district.			
43	Queen Mary Girls' ..	Nawabganj ..	50	..
	Bogra district			
44	Harvey Girls' ..	Santahar ..	30	..
			1,275	244
			1,519	

Total for all schools—Rs. 44,952 per annum.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to the answer given at page 7, column 5, "additional grant", when was this additional grant made?

The Hon'ble Mr. A. K. FAZLUL HUQ: I believe last year. I am not quite sure.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Method of applying Defence of India Rules.

37. Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether the informations on the basis of which orders under the Defence of India Act and Rules are being served in Bengal are put to any scrutiny to ensure that no innocent person becomes the victim of this Act; and

(*b*) whether Government propose to have these orders occasionally examined by a Judicial Tribunal as was done in the case of persons detained or interned under the Bengal Criminal Law Amendment Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) No.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state as to who does this scrutiny?

The Hon'ble Khwaja Sir NAZIMUDDIN: The authority provided for in the Act.

Mr. ATUL CHANDRA SEN: May I know who is that authority?

The Hon'ble Khwaja Sir NAZIMUDDIN: It depends. There are so many orders that if the honourable member will only take the trouble of studying the question he will find how difficult it is to answer his question.

Women workers in factories, Bengal.

33. **Dr. SURESH CHANDRA BANERJEE:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing—

(*a*) in how many factories of Bengal more than 50 women workers are ordinarily employed;

(*b*) in how many of them there is arrangement for *creches*; and

(*c*) whether the Government under section 33 of the Factories Act, 1934 (25 of 1934), have made rules requiring every factory where more than 50 women workers are ordinarily employed to have a room reserved for the use of children under the age of six years belonging to such women?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) 160—*vide* statement laid on the Library table.

(*b*) 18—*vide* factories marked with an asterisk in the statement.

(*c*) Under section 33 (*2*) of the Factories Act, 1934, rule 70 of the Bengal Factories Rules, 1935, has been framed by this Government, a copy of which is placed on the table.

Copy of Rule 70, referred to in the reply to sub-clause (c) of unstarred question No. 38.

70. In any factory in which more than fifty women workers are ordinarily employed, the Local Government may require that a room or rooms shall, before a specified date, be provided and reserved for the use of children under the age of six years belonging to such women, and such rooms shall conform to the following standards:—

(1) they shall be of adequate size to comfortably accommodate the number of such children brought into the factory premises;

(2) they shall be adequately lighted and ventilated and give effective protection from the weather, and where necessary, provided with *punkhas* or fans; and

(3) lavatory accommodation, washing facilities and sufficient supply of potable water shall be provided.

An experienced woman supervisor shall be placed in charge of such rooms, and suitable arrangements shall be made for the care of and attention to the children who use them.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he considers the desirability of having creches in every one of the 160 factories where more than 50 women work?

The Hon'ble Mr. H. S. SUHRAWARDY: It is desirable, but I expect that of the 50 women workers all do not feel the necessity for creches.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state whether it is a fact that many of the factories in which more than 50 women workers work are not given crèches as provided for in rule 70?

The Hon'ble Mr. H. S. SUHRAWARDY: That is correct.

Mr. SIBNATH BANERJEE: Sir, I could not catch the Hon'ble Minister's answer.

Mr. SPEAKER: He said that it was correct. I hope the Hon'ble Minister will kindly rise in his seat properly when he speaks.

Mr. SIBNATH BANERJEE: May I know what steps Government are taking to see that the violation of this rule is not allowed any further?

The Hon'ble Mr. H. S. SUHRAWARDY: No rule has been violated. Under this rule Government may call upon all factories to establish crèches. I have been using my efforts to induce various factories to establish crèches and many of them have already taken up the matter and crèches are being established. About three years ago there was an enquiry into this question and the ladies working in the various mills were asked whether they were prepared to entrust their babies to the crèches. It was found that in most cases they were not agreeable to do so and preferred to take leave in order to go out and meet their babies. In spite of that, however, these various factories have taken up the question of crèches and they are being established in the mills.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he can mention one single instance where arrangements for crèches have been made and women workers did not avail themselves of the opportunities given?

The Hon'ble Mr. H. S. SUHRAWARDY: There is a crèche established at Kankinarah and if the honourable member will go there, he will find that women workers there do not avail themselves of that crèche to its fullest capacity.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether he made the law in connection with this Act after consultation with the factory authorities or not?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that in the crèche at the Howrah Jute Mill, more children are being brought than can be kept there?

Mr. SPEAKER: I cannot allow a fight between Howrah and Kankinarah! (Laughter.)

Cattle mortality in Tangail.

39. Maulvi MASUD ALI KHAN PANNI: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries (Veterinary) Department aware of cattle mortality prevailing in the subdivision of Tangail in the district of Mymensingh?

(*b*) If so, what steps does the Hon'ble Minister propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY [on behalf of the Minister in charge of the Agriculture and Industries Department (the Hon'ble Mr. Tamizuddin Khan)]: (*a*) Yes.

(*b*) The local Veterinary Assistant Surgeons, the staff mobilised from other districts and the Assistant Director, Civil Veterinary Department, Eastern Range, are present in the affected areas, combating the disease. The Director, Civil Veterinary Department, visited some of the disease-stricken villages and personally supervised prophylactic and control measures. All outbreaks have practically been suppressed.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many permanent Veterinary Assistant Surgeons there are in the subdivision of Tangail?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what are the disease-stricken villages which were visited by the Director, Civil Veterinary Department?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how long the outbreak of cattle mortality has been continuing there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It has already subsided.

Mr. CHARU CHANDRA ROY: Sir, I would like to draw your attention to the fact that the Hon'ble Minister in charge of Revenue is answering this question and, as he is not fully informed, he is asking for notice.

Mr. SPEAKER: Let him answer questions regarding cattle mortality.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ কোরে বোলবেন গোমড়ক আরম্ভ হবার কতদিন পরে ঐ সমস্ত অফিসারগণ টাঙ্গাইল গিয়েছিলেন ?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Soon after. (Laughter.)

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি এই very soonটা মানে কয়দিন ?—এক সপ্তাহ, তিন সপ্তাহ না এক মাস ?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As soon as Government received information, they ordered the Veterinary Assistant Surgeons to proceed there.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি গভর্ণমেণ্ট কবে নোটিশ পেয়েছিলেন এবং কবে অফিসাররা গিয়েছিলেন ?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he tried to determine the date or month when the disease began there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The disease did not begin on a particular date or at a particular place, but it started all over the subdivision and it is very difficult to say definitely when and where the disease started actually.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if there was any report received to the effect that the disease was prevailing in Tangail and anything mentioned there about the date or month?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government received a report about the outbreak of the disease in the subdivision without any reference to date or time of such outbreak.

GOVERNMENT BILLS.

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg leave to introduce the Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Secretary then read out the short title of the Bill.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I also beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Maulvi Abdul Hamid Shah,
(2) Maulvi Md. Israil,
(3) Mr. Mohsin Ali,
(4) Mr. Jagat Chandra Mandal,
(5) Babu Tarak Nath Mukerjea, M.B.E.,
(6) Mr. G. Morgan, C.I.E.,
(7) Mr. Kishoripati Roy,
(8) Mr. Harendra Kumar Sur,
(9) Babu Premhari Burma,
(10) Mr. Giasuddin Ahmed, and

Sir, with your permission I want to include two more new names, viz.—

(11) Mr. Ahmed Hosain, and
(12) Maulvi Abdul Latif Biswas, and
(13) the mover,

with instructions to submit their report by the 8th August, 1940, the number of members forming the quorum being four.

Mr. SIBNATH BANERJEE: Sir, the rule is that the consent of the members proposed on a Select Committee is to be taken first. I would like to know from the Hon'ble Minister whether the consent of the two new members proposed on the Select Committee has already been obtained.

Mr. SPEAKER: That is my concern, and not his.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, at this stage, I think I need not enter into details. The Statement of Objects and Reasons appended to the Bill explains the position. In point of fact, it is a promised measure and when the other amending Bill was discussed in this House in December last, there were several suggestions made that Government should take steps to remove the wrongs that were perpetrated in view of the fact that some of the creditors hurried to courts and sold up agriculturists' holdings. Following that, we made enquiries and obtained sufficient information to put all these in this Bill and it is as a result of this, that this Bill has been introduced.

Sir, I do not think, I would have been justified to take this Bill up for consideration at once, but I felt that the provisions required very careful consideration and it is from this point of view that I have suggested that the Bill should go to a Select Committee for consideration in the first stage.

Mr. SPEAKER: I hope, you will give the assurance that the number of amendments will be minimised.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as Government are concerned, I can give that assurance.

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1940.

I have no objection to the main provisions of the Bill, but my objection is to the way in which such Bills, especially amending Bills are being brought to this House. We do not know what exactly our position is. We are getting amending Bills after amending Bills every year and on the same matter two or three Bills every year. As a matter of fact, in connection with the Bengal Tenancy (Amendment) Act we have got three or four amending Bills in the course of these two years. The result of such repeated introductions of amending Bills is this that the people in general, the public, cannot make up their minds as to what their future will be. It also reveals an utter lack of any policy on the part of Government. It appears that the Government do not carefully go into the whole question before introducing any amending Bill. It shows absolute lack of policy on their part. As a matter of fact, that lack of policy we have been noticing practically in all cases. We have seen that in connection with the jute affairs, in connection with the jute ordinances during the last two years, similarly, in the case of this Bill, in the case of the Bengal Tenancy (Amendment) Act and so on and so forth. My submission is that the Government should before taking recourse to such hasty action consider what expenditure it involves and also what effect it produces in the minds of the public, in the minds of the litigants and in the minds of the lawyers. They do not know what actually their position is.

Mr. SPEAKER: Save the lawyers for the time being.

Dr. SURESH CHANDRA BANERJEE: The matter referred to in this amending Bill is not a new thing. It has been in existence since 1936, it has been in operation since 1936 and Government must have known this before the introduction of the first amending Bill of

this year. My whole objection is to this repeated introduction of these amending Bills. In order to let the House know this objection, I have moved my motion.

Rai HARENDRA NATH CHAUDHURI: I rise to support the motion that has been moved by my friend Dr. Suresh Chandra Banerjee. Unlike my friend I have objections to the Bill so far as the merits of the Bill are concerned. The Bill raises some very grave issues. In the first place it attempts to oust the jurisdiction of the High Court which the original Act never contemplated to do, nor even the subsequent Act, I mean that first Amendment Act meant to do. Secondly, the Bill proposes to go against a series of the decisions of the Calcutta High Court pronounced by some of the most eminent Judges of that Court. Further, it raises a question of retrospective effect and proposes a new section which may in its operation, if the Bill be passed into law, deprive many people of the legal rights enjoyed and acquired by them in accordance with the law of the land that has hitherto prevailed. I will ask the House to seriously consider the effect of only two clauses of this Bill, viz., clauses 4 and 5, which are after all the principal clauses of the Bill.

Now, so far as clause 4 is concerned, it is apparent that the High Court's power or jurisdiction of hearing appeals, or of correcting abuse of the provisions of the Act by way of revision, both these jurisdictions are going to be taken away.

Coming to the other important provision of the Bill, viz., clause 5, it will be seen that it proposes to give retrospective effect to the provision of the newly proposed section so as to penalise persons who in pursuance of the decisions of the High Court got their decrees satisfied.

Before examining these clauses, further, I would invite the attention of the honourable members to another clause, namely, sub-clause (2) of clause 2 which proposes that the words "and includes any court exercising the appellate or revisional jurisdiction over any such court" should be deleted from the newly enacted section 6A that was incorporated in the original Act by the first Amending Act which was passed only in the last session. It is a matter of regret that these very words which were proposed to be deleted by the Opposition at the time of the consideration and enactment of section 6A were not deleted then. I tabled an amendment to delete these very words and in my absence my honourable friend Mr. Santosh Kumar Basu moved that amendment. He stood on the decision of the Special Bench of the Calcutta High Court—the decision in the case of Narsinghdas Tanshukdas. It was pointed out

at the time that the effect of the words would be to oust the jurisdiction of the High Court, but it could not be ousted by a vague implication of the kind as was imported into these words. If it was the intention of the Government to oust the jurisdiction of the High Court, they ought to have done it not by an implication but by an express provision in the Act. That was the point raised by my friend Mr. Santosh Kumar Basu. Government ignored all our arguments then. They did not accept our amendment, but now in the second Amendment Bill they are proposing to do the very thing which was proposed by the Opposition but not accepted by them.

As regards clause 4 which proposes to oust the jurisdiction of the High Court, I think, Sir, it is *ultra vires*. You know that under the old Government of India Act, 1919, this House had no power to take away the jurisdiction of the High Court. Of course, under the Act of 1935, it has that power now, but that power is restricted to matters in the Provincial Legislative List—List II of the Seventh Schedule of that Act. If you look to Provincial List, item No. 2, you will find it clearly stated there that the jurisdiction of the High Court can be taken away only in respect of matters included in that list. But there is no item in that list that can in any way be interpreted to have a bearing on the subject matter of this Bill—not even item No. 27. This item makes mention of money-lending and money-lenders, but so far as provision 37 (*a*) of the Agricultural Debtors Act is concerned——

Mr. SPEAKER: I am not clear why this House has no power to alter the jurisdiction of the High Court.

Rai HARENDRA NATH CHAUDHURI: Kindly see item 2 of the Provincial List.

My point is that in this Bill there are matters not included in the Provincial List, i.e., List No. II in respect of which the jurisdiction of the High Court is being taken away. Clauses 4 and 5 of this Bill affect the Civil Procedure Code, and it must be *ultra vires*, if you want to interfere with the Civil Procedure Code. If by these provisions the Government mean to deny or nullify rights accruing under the provisions of the Civil Procedure Code, then they come under the Concurrent List, and in that case we cannot effectively legislate without the sanction of the Governor-General. To validate the provisions of this Bill this Government will have to take the sanction of the Governor-General.

Mr. SPEAKER: Under what section?

Rai HARENDRA NATH CHAUDHURI: Under section 107, I believe.

Mr. SPEAKER: There is nothing in section 107 to this effect.

Rai HARENDRA NATH CHAUDHURI: I am sorry I have not got the Act with me but the provision must be somewhere there. So far as the Civil Procedure Code is concerned, it is an all-India Act. You may remember, Sir, the Bihar case.

Mr. SPEAKER: The Bihar case was decided on the ground that under section 107 it required the sanction of the Governor-General later on—after it was passed, and not previous sanction.

Rai HARENDRA NATH CHAUDHURI: I do not mean that previous sanction is necessary in this case. All I say is that it will have to be validated by subsequent sanction.

Mr. SPEAKER: Quite so.

Rai HARENDRA NATH CHAUDHURI: Therefore, Sir, my point stands established that this Bill raises a very great constitutional issue as well.

Now, Sir, so far as clause 5, i.e., the proposed section 37A is concerned, going into the merits of that clause, I find that it attempts to undo the effects of all the decisions of the High Court made since the passage of the original Act in 1935. The Hon'ble Mr. Mullick has said that new informations have come to light which have led him to propose such a provision. But what all these informations are, have not been disclosed to us. The informations should have been disclosed at least to justify a second amending Bill on the lines proposed. He has not cared to place before this House any of the informations that he says he has been able to secure But whatever those informations may or may not be, section 37A is designed just to undo the decisions given in a series of cases by the High Court. The first case to which I would refer is the case of Jagabandhu Shaha reported in 41 C.W.N. In that case, Sir, the Hon'ble the Chief Justice and Mr. Justice Mukherjee came to the conclusion that in order that notice under section 34 of the Bengal Agricultural Debtors Act may be given there must be a debt in respect of which some proceeding is pending in a civil court. Let me quote the head note of that decision: "Where in execution of a decree a decree-holder purchases the property of the judgment-debtor and the sale is confirmed under Order 21, Rule 92 of the Civil Procedure Code, the decree is satisfied to the extent of the purchase money. Therefore the proceeding for delivery of possession of such property started by the decree-holder is not a proceeding in respect of a debt and consequently

the court cannot stay such proceedings on a notice under section 34 of the Bengal Agricultural Debtors Act." Section 37A means that debts dead and gone may be revived.

Sir, the next decision that it will upset is the decision in the case of Nrisingha Chandra Nandi Chowdhury reported, again, 41 C.W.N. In connection with that case the acting Chief Justice, Mr. Justice Costello said: "What apparently happened was that the debtor as a last and desperate effort to avoid paying his just debt which he had been ordered to pay by a decree of the High Court rushed off to a Board set up under the Bengal Agricultural Debtors Act and upon the mere assertion that he was a debtor managed to induce the Board to send a notice which but for the fact that the purchaser at the sale happened to be a decree-holder with permission to set off the debt against the purchase price would have enabled the debtor to secure the holding up of all the proceedings in execution until it pleased the Agricultural Debt Settlement Board to decide whether or not the judgment-debtor was a 'debtor' within the meaning of the Act. It is almost by pure accident or rather by fortuitous conjunction of circumstances that we are in this case able to say that there was no debt, i.e., after the sale and setting off of the purchase money against the debt. So the Munsiff was wrong in staying the proceedings." Then his Lordship proceeded to say "I think, this case ought to be a warning of the kind of things which may happen in the future and indicates how the Agricultural Debtors Act may be taken advantage of by dishonest debtors with the object of defeating or delaying the just claims of the decree-holders—creditors." There were many other decisions, Sir, following these judgments.

All such judgments which pronounced that sales extinguished debts and under the Bengal Agricultural Debtors Act nothing could be legally done after court sales this new section proposes to undo and the very salutary warnings that were given by the High Court have not only been ignored but in the face of those warnings the Government propose to enact this Bill with retrospective effect. I think, therefore, Sir, when such grave issues are being raised, when decisions of the Calcutta High Court are going to be undone, when even the jurisdiction of the High Court is going to be ousted not only in matters of appeal but also in matters of revision, such an important Bill should be circulated for the purpose of eliciting public opinion and therefore I support the amendment that has been moved by my honourable friend Dr. Suresh Chandra Banerjee.

Mr. C. MORGAN: Sir, I rise to oppose the amendment for circulation and support the amendment for reference to Select Committee, and I should like to explain to the House why I do so. Probably there

are members here who have heard that we are not in favour of retrospective effect being given to a Bill but in view of what the Hon'ble Minister says in the Statement of Objects and Reasons we think it is possible that something may be done and that some exploration should be done in the form of this Bill. The Hon'ble Minister says that the main object of this Bill is to provide the machinery for restoration of such holdings to as many as possible of their former possessors subject to payment of proper compensation to the decree-holder. That I think wants exploration and therefore I am in favour of the Bill being referred to a Select Committee.

Mr. SANTOSH KUMAR BASU: Sir, when I read the provisions of clause 2 of this Bill I rubbed my eyes and wanted to find out whether this Bill had been sponsored by the same Hon'ble Minister who took up such a high and mighty attitude on the last occasion on the floor of this House in connexion with an amendment which I had the honour to bring forward on behalf of my esteemed and honourable friend, Rai Harendra Nath Chaudhuri. On that occasion, Sir, it fell to my lot to point out to the Hon'ble Minister that what he was doing was probably *ultra vires*, was probably going counter to a long series of decisions of the Hon'ble High Court with regard to this matter and I thought that I was successful in persuading the Hon'ble Minister to reconsider his petition and at least to take a day for the purpose of considering whether these suggestions which had been put forward by me on behalf of my honourable friend Rai Harendra Nath Chaudhuri deserved a little consideration at his hands But the Hon'ble Minister took up the attitude that whatever had come out of the ministerial archives must be sacrosanct. He took up the position that not even a day's consultation or consideration was necessary and everything was all right, so that this House was called upon to put its imprimatur upon the Bill as it then stood and it was passed in a flush of enthusiasm and ministerial glory. To-day, Sir, we find that the Hon'ble Minister has come forward having accepted the self-same suggestion without of course a word of acknowledgment to the opposition in his opening speech. That of course is on a par with the attitude of my honourable friends on the Ministerial Benches with regard to the suggestions proceeding from this side of the House. My esteemed friend, Rai Harendra Nath Chaudhuri, has in his speech dealt with the entire background of this amending Bill which is now presented before this House and I do not desire to take up the time of the House unnecessarily in going into detail about this matter. I am fully at one with him when he points out that it will be an inroad upon the jurisdiction of the High Court and it will be extremely unwise on our part to agree to it on this occasion without calling for an expression of public opinion on this point throughout this province.

I understand, Sir, the anxiety of the Hon'ble Minister to bring matters which are now pending before the High Court and which are the subject matter of this Bill on a par with those which are pending in the subordinate courts. There is that anxiety on his part. The mere fact that a matter is pending before the High Court, which might be a subject matter of deliberation before a Debt Settlement Board, ought not to put it beyond the purview of this particular Act. That of course is understandable. At the same time, Sir, this is such a sudden departure and a violent departure from existing practice and existing law—and it will upset the calculations of litigants who have entered the portals of the High Court seeking for justice without the slightest previous notice—that it does require an amount of consideration at the hands of the public which the Hon'ble Minister will do well to allow on the amendment which is now before the House.

Sir, it is said that knowledge dawns late, but wisdom lingers, and I hope a little bit of wisdom will now linger in the Hon'ble Minister.

Mr. SPEAKER: Knowledge is often forgotten.

Mr. SANTOSH KUMAR BASU: Yes, but wisdom has got a better reputation, and it lingers. As in the meantime, the Hon'ble Minister has succeeded in gathering some wisdom from his experience in the last session with regard to this Bill, and in view of the attitude that he has now taken up accepting every little detail of our suggestions and embodying them in a portion of this amending Bill, I hope he will also be persuaded to accept the suggestion put forward in his amendment by Dr. Suresh Chandra Banerjee and which has been supported with such cogent reasons by my friend Rai Harendra Nath Chaudhuri.

Mr. DHIRENDRA NATH DUTTA: Sir, I oppose the amendment moved by Dr. Suresh Chandra Banerjee, and I do not know, Sir, whether the two gentlemen who have preceded me have spoken on behalf of this side of the House. I support the motion moved by the Hon'ble Minister for reference to the Select Committee. It has been said, Sir, that it is an encroachment upon the jurisdiction of the Hon'ble High Court. It is not so. It has been held by the Hon'ble High Court that the Board is not a Court, and the High Court has no jurisdiction over the Boards. It has been held that the members of the Board are not members of the Court, and that the Board is not a Court. The Board is a Board for determining the relationship between the creditor and the debtor, and it has not got the functions of the Court. It is well known that the whole thing is dependant upon compromise. If there is a compromise then the order of the Board can be effective. If there be no compromise the order of the Board cannot

be effective. Under clause 19 of the Agricultural Debtors Act it has been laid down that if the debtors and the creditors agree, then the decision will be binding upon the creditors and the debtors. If 60 per cent. of the debtors and creditors agree, then the decision will be binding upon the remaining 40 per cent. of debtors and creditors. So, Sir, clause 4 has made no encroachment upon the jurisdiction of the Hon'ble High Court.

Then, with regard to the new section that is sought to be inserted, that is section 37A, it is a consistent demand, and those who practise in the mufassil Courts are fully aware of the fact that after the year 1936, many decrees have been put into execution and properties have been sold and the Civil Courts were under the impression then that in spite of the notice, they have got the jurisdiction to think of the propriety or impropriety of the sale, and many sales have been held after the notice issued under section 34 of the Agricultural Debtors Act. It is a well-known fact that the gentlemen who practise in the High Court are not aware of the fact that many sales have been held after the notice issued under section 34 of the Agricultural Debtors Act. So, it is a consistent demand of all people in the mufassil that such a clause should be inserted in the Bill, and in view of this consistent demand I think the Government is to be congratulated on having brought forward this Bill.

With these few words, Sir, I oppose the amendment that has been moved by my friend, Dr. Suresh Chandra Banerjee.

Mr. SHAHEDALI: Sir, on behalf of my party, I support the motion of the Hon'ble Minister for reference of this Bill to the Select Committee, and oppose the motion of Dr. Banerjee for circulation. It was the insistent demand of the Krishak Proja Party from the very beginning of the formation of the new Ministry that such a clause should be inserted in the Agricultural Debtors Act. Though there was a persistent demand, and though there had been a number of questions from this side of the House to that effect, the Hon'ble Minister did not pay any heed to it so long. But as the election is coming nearer and nearer, the Hon'ble Minister has seen the difficulty and he has now inserted the clause.

Mr. SPEAKER: So, you are supporting him in his election; (Laughter.)

Mr. SHAHEDALI: This should have been done long ago. However, I am glad that good sense has prevailed upon him. On behalf of our party, I wholly support this motion.

Srijut NARENDRA NATH DAS GUPTA : Mr. Speaker, Sir, আমি জনমত সংগ্রহ সম্বন্ধে বিলটা পাঠানোর যে প্রস্তাব সেইটে সমর্থন কোরে দুটো কথা বোল্‌ছি।

প্রথমতঃ কথা হোচেচ Debt-Settlement Board আমাদের বাংলাদেশে গত তিন বৎসর ধোরে কাজ কোর্‌ছে। ডেট্ সেট্‌লমেণ্ট বোর্ডগুলি কি ভাবে কাজ কোরছে এবং তার ফলাফল কি, বর্ত্তমান বিলের মধ্যে সেটাও একটা উল্লেখের বিষয় হওয়া উচিত ছিলো। বর্ত্তমান বিলের মধ্যে সে বিষয়টা নাই। ডেট্ সেট্‌লমেণ্ট বোর্ড প্রজার ভালো কোরতে যেয়ে তাদের ব্যবহার ও কার্য্যের দ্বারা প্রজাদের অনিষ্ট ও অসন্তোষেরই কারণ হোয়েছে। অথচ যারা যারা টাকা দেয় জমিদার ও তালুকদার প্রভৃতি তাদেরও অসুবিধা ঘটাচ্ছে। অথচ একথা অস্বীকার করবার জো নাই যে এই সকল লোককেই মেম্বার করা হয়।

দ্বিতীয় নম্বর কথা হোচেচ—আমাদের মন্ত্রী মহাশয় এই বিলের সম্পর্কে যে কথাটা এনেছেন, আমি হাইকোর্ট সম্বন্ধে কিছু বোলবো না, হাইকোর্টের যারা উকিল আছেন তাঁরাই বোলেছেন, আমি মাত্র গ্রামাঞ্চলের ফলাফলটা কি হবে সে সম্বন্ধে কিছু বোল্‌বো। কৃষক প্রজা যারা তারা তাদের জমি পাক সে উদ্দেশ্য ভালো কথা। কিন্তু এই যে ধারাটা হোচেচ আমি জানি—বরিশালে আমার কনষ্টিটিয়েন্সি বাংলার সব চেয়ে বড় খাসমহল, সেখানে দশ একর বিশ একর জমির যারা খাজনা দেয় তাদের ১৭।১৮ টাকা বাকি ছিলো সেই জন্য মোট জমি Public Demand Recovery Act অনুসারে বিক্রয় হোয়েছে। যেখানে ৫০০৲ টাকা ছিলো খাজনা সেখানে ৪০০৲ টাকা কি সাড়ে চারশো টাকা দেওয়া সত্ত্বেও হাজার হাজার জমি বিক্রয় হোয়েছে। আমি বিশেষ কোরে বোল্‌ছি খেপুপাড়া মহালের কথা। সে সম্বন্ধে আমি একটা মোসনও দিয়েছিলাম কিন্তু দুর্ভাগ্যক্রমে সুযোগ পাইনি সে সম্বন্ধে। আমার কথা হোচেচ এরকম আইন প্রজাদের কোন রকম আশ্বাস দেয় না। এ রকম আইন না কোরে যদি গভর্ণমেণ্টের পক্ষ থেকে ঘোষণা কোরতেন যে,—সমস্ত প্রজার জমিই সে যেভাবেই বিক্রীত হোক না কেন উপযুক্ত ক্ষতিপূরণ দ্বারা ফিরে পাবে তাহলে জমিদার এবং প্রজা উভয়েই উপকৃত হোতো, এবং ছোট ছোট যে সব তালুকদার ধ্বংসের পথে চোলেছে, তারাও উপকৃত হোতো। যদি গভর্ণমেণ্ট সেইটে করেন তাহলে বেঁচে যেতো। আর একটা কথা হোচেচ—যেমন agriculturist কৃষকদের দিকে দৃষ্টি দেওয়া হোচেচ—প্রধানতঃ তারা গরীব এই জন্য; দারিদ্র্যই যদি মাপকাঠি হয় তাহলে যে সমস্ত ছোট-খাটো ভূম্যাধিকারী আছে, যাদের নাকি জমিদার তালুকদারদের খাজনা মিটিয়ে দিয়ে তাদের প্রাপ্য প্রজাদের কাছ থেকে আদায় কোর্‌তে হয় তাদের বাঁচাবার এবং তাদেরও দারিদ্র্যের দিকে দৃষ্টি দেবার যে একটা দাবি এবং প্রয়োজনীয়তা আছে সেই কথাটা মন্ত্রী মহাশয়কে স্মরণ করিয়ে দিতে চাই। (A MEMBER OF THE COALITION PARTY: আপনি কি হিন্দু মহাসভার পক্ষ থেকে বোল্‌ছেন?) না আমি দরিদ্র ভূম্যাধিকারীদের পক্ষ থেকে বোল্‌ছি। কাজেই আমার কথা হোচেচ—যারা বড়লোক তাদের যদি কিছু হানি হয় বিত্ত এবং ঐশ্বর্য্যের, তাতে দেশের বিশেষ কিছু এসে যায় না। কিন্তু যারা গরীব তাদের যদি দারিদ্র্য ঘোচে তাহলে দেশে শান্তি ও শৃঙ্খলার সহায়তা হোতে পারে। সুতরাং সেদিকে আমাদের বর্ত্তমানে দৃষ্টি দেওয়া উচিত। এবং আমিও

সেই দিক দিয়েই বোলছি যারা দরিদ্র কৃষক তারা যদি সহজে তাদের জমি ফিরে পায় সেই ব্যবস্থা আপনারা এবং খাসমহালের জমিগুলি যাতে প্রজারা ফিরে পায় এবং সঙ্গে সঙ্গে ছোটখাটো ভূম্যাধিকারী যারা দুশো কি চারশো টাকা সমস্ত বছরেও আদায় কোরতে পারে বা না পারে তারা Debt Settlement Board এর অধীনে পোড়ে সর্ব্বস্বান্ত না হয়; এবং এর ধাককায় পোড়ে তারা যে হয়রাণ হোয়ে থাকে সেই হয়রাণি থেকে তাদের বাঁচাইবার জন্য কি করা প্রয়োজন সে সম্বন্ধে বিবেচনা কোরতে আমি মন্ত্রী-মহাশয়কে অনুরোধ কোরছি।

Mr. ABDULLA-AL MAHMOOD: Sir, I beg to oppose the motion moved by my friend Dr. Banerjee. I do not find any valuable suggestions made by him for sending the Bill again for eliciting public opinion.

As for the arguments that have been advanced by Mr. Chaudhuri and Mr. Basu, they themselves have admitted that the suggestions that were made in the last session of the Assembly with regard to the amendment of the Agricultural Debtors Bill have not been accepted in regard to certain provisions of the Bill, but now the Hon'ble Minister is coming with the same provisions incorporated in the Bill. I do not see any reason why the suggestions not accepted in the last session cannot be incorporated this time and in this session. I do not also find any reason why a property which has been sold and about which the Hon'ble High Court decided otherwise cannot be restored to the debtors for the fact that the law though in existence could not be applied for certain facts. The object, as has been stated for bringing this Amendment Bill in this session, is that the first Agricultural Debtors Bill was introduced, passed and published some time in 1936. So far as I remember it was published after the Governor's assent on the 9th April, 1936. The then Government failed to establish debt settlement boards all over Bengal. So, the debtors had no opportunity to go to these debt settlement boards and ask for stay orders from the boards and for staying the execution proceedings. As a result of that what happened? The zealous creditors got execution of their decrees and put the properties of the wretched debtors to sale. Now, Sir, something must be done in this respect. Some relief should be given to those persons who were deprived of having the benefit of the Act which was then in existence, as Government failed to establish debt settlement boards all over the province. So, it was not the fault of the debtors; the law was then in existence but the debtors could not get the benefit of the Act, because of the fact that Government did or could not establish debt settlement boards all over Bengal. So, Sir, something should be done in this direction and I think the provisions of the present Amendment Bill are more than justifiable. I do not find

that there is any reason for sending the Bill back for eliciting public opinion which will only be deferring the matter and will put the debtors into further troubles.

(Mr. Sibnath Banerjee rose to speak.)

Mr. SPEAKER: I do not think any more speech is necessary, because the matter has been sufficiently debated.

Mr. SIBNATH BANERJEE: But this is a very important Bill, Sir. It is said that the Peshkar gets only Rs. 10 a month, and other things like that happen.

Mr. SPEAKER: But we have a more important Bill to discuss, namely, the Co-operative Societies Bill.

Mr. SANTOSH KUMAR BASU: Sir, will you kindly allow Mr. Banerjee to speak for just two minutes?

Mr. SPEAKER: All right.

Mr. SIBNATH BANERJEE: Thank you. Mr. Speaker, Sir, I am making these observations with the sole purpose of saving the time of the House (Laughter), because I feel that if these observations are not made, the result will be that you will have a Bill similar to the Co-operative Bill to which there are as many as 400 amendments which you will have to discuss, for days together. So, in order to save the time of the House, and of the Hon'ble Minister, I am making these observations.

Sir, the Bengal Agricultural Debtors Act is not altogether bad; there are some good points in it. But the good points are practically off-set by the bad points. First of all, the cases instituted in those boards in 1938 are still pending. The Hon'ble Minister is shaking his head, but if he will come along with me to a board he will be convinced and find the necessity for speeding up the cases. Meetings are not held for want of quorum because the members are not interested unless some friend of theirs is interested and makes them interested enough to attend the meetings. Therefore, about 20 to 25 per cent. of the meetings fail for want of quorum. Something has got to be done in this direction—either by giving them rewards or by punishing them. Anyway, the peasants come from far off places to attend the board's meetings, but the members do not come with the result that the peasants have to suffer. That is an intolerable situation.

Then again there must be some stringent limit. Landlords and zemindars pass off as peasants and get relief by means of these debt settlement boards. This is a thing which is very well known to this

House and members of this House and those higher up are being openly accused of such things. That is why I say, Sir, that there should be some limit, so that such things may not happen.

Then about the boards themselves. I hear that the Peshkar gets Rs. 10 a month, and he has to handle a big bundle so high as 100 to 200 pending cases together, and the poor fellow has to supply information to the illiterate peasants and his life is made hell. Therefore, Sir, from this and other points of view, with which the Hon'ble Minister for Labour will, I hope, agree, that Rs. 10 a month is not a fair and living wage, and to expect a Peshkar to work on Rs. 10 is rather absurd.

Sir, I do not want to speak on any other point. I know, Sir, whether I support circulation or not Government are going to carry their motion. Therefore, Sir, I make these observations though the circulation motion is going to be defeated and the Hon'ble Minister is going to have his way, but after he gets his way, let him consider these points.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, in view of the reasons given by my friends Messrs. Morgan and Dutta, I do not think that there is anything more for me to say, so far as the motion of my friend Dr. Banerjee is concerned. But I am still sorry, Sir, that my friend Mr. Santosh Kumar Basu should have made a point of grievance when he said that it was his motion which we discussed on the 12th March when the Bill came back from the Legislative Council and that we did not see our way to accept it. I can only assure him that we have not changed our position in the least. I explained to this House why this definition of "civil court," in this legislative measure was necessary.

Now, Sir, if we read sub-clause (*2*) of clause 2 along with clause 4 of the Bill, this will make the position clear that while we do not intend to affect the jurisdiction of the High Court, we desire that in order that the cases before the Board might be effectively settled, the cases that may be pending before the High Court with regard to these applicants may be stayed for the time being. Now, the amendment that we have in clause 4 has been at the instance of the High Court itself. Therefore, Sir, the position that I maintained on that occasion is not at all changed now; but we have only elucidated the point as to what we really mean to do with regard to such cases.

With regard to clause 5, my friends, Mr. Morgan and Mr. Abdulla-Al Mahmood, have given the answer. In point of fact, there was an insistent demand upon Government at each of the budget discussions that we had since 1938 onwards about this and following that demand, I gave an assurance to my friends of the Coalition Party—specially to

Maulvi Muhammad Israil and Maulvi Abdur Razzak—during discussion on the floor of the House that I would consider the position and examine the facts that may be made available on an examination of the situation by the Collectors and to see whether or not we would be justified to remove the wrongs that have already been there while these debtors have been sold out following the course of action that was taken by the creditors in a hurried manner. Sir, this clause 5 is the result of that investigation and as Mr. Morgan pointed out, it only seeks to set up the machinery by which these debts can be effectively settled. While therefore the decree-holders would be getting a proper compensation, the debtors who were hurriedly sold out would be getting back their holdings. So there is no question of injustice nor there is anything in this Bill which seeks to oust the jurisdiction of the High Court in any way. Therefore, I submit that the points that have been mentioned have got no substance whatsoever.

Now, with regard to the point raised by Dr. Suresh Chandra Banerjee, I may point out that so far as this Bill is concerned, there has been no lack of policy and we have been very consistent throughout.

Mr. SPEAKER: I may just point out one thing. In clause 4, the word "shall" has been used—"No person shall prefer to the High Court in Calcutta any appeal or application". Is it a penal clause?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If any appeal is pending that appeal shall be stayed. It is also in the nature of a penalty.

The motion of Dr. Suresh Chandra Banerjee that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 15th September, 1940, was then put and lost.

Mr. SPEAKER: I will now put the main motion of Mr. Mullick.

Mr. JOGESH CHANDRA GUPTA: Sir, may I know how many names there are now on the proposed Select Committee?

Mr. SPEAKER: 13.

Mr. JOGESH CHANDRA GUPTA: The position that was intimated to us was that the total number of members on the Select Committee would be 11 and accordingly we made our nominations. Now, if there has been an increase of two members——.

Mr. SPEAKER: That is for you to decide.

The Hon'ble Mr. MUKUNDA BAHARY MULLICK: Sir, with your permission, I would like to add the name of Mr. Atul Chandra Kumar.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) Maulvi Abdul Hamid Shah,

(2) Maulvi Md. Israil,

(3) Mr. Mohsin Ali,

(4) Mr. Jagat Chandra Mandal,

(5) Babu Tarak Nath Mukherjea, M.B.E.,

(6) Mr. G. Morgan, C.I.E.,

(7) Mr. Kishoripati Roy,

(8) Mr. Harendra Kumar Sur,

(9) Babu Prembari Barma,

(10) Mr. Giasuddin Ahmed,

(11) Mr. Ahmed Hosain,

(12) Maulvi Abdul Latif Biswas,

(13) Mr. Atul Chandra Kumar, and

(14) the mover,

with instructions to submit their report by the 8th August, 1940, the number of members forming the quorum being four, was then put and agreed to.

The Bengal Co-operative Societies Bill, 1938.

Clause 44.

Mr. SPEAKER: What about Dr. Sanyal's amendment No. 71 with regard to clause 44?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to that amendment, I think, we may be in a position to accept

a portion of it, if not the whole of it, and we are going to have our own draft on that. I find, we can accept only the first and the third parts of Dr. Sanyal's amendment. The draft will read thus:—

"When a member of a co-operative society, which includes among its objects the advance of loan to its members, intends to apply for a loan from any person other than the society, such member shall send to the society a notice stating—

(*a*) his intention to apply for such a loan, and

(*b*) the amount of the loan for which he intends to apply."

Dr. NALINAKSHA SANYAL: Only the name of the creditor is not there.

Mr. SPEAKER: It is perfectly all right. Mr. Mullick, you may now move it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the existing clause 44 be renumbered as sub-clause (*1*) of that clause and the following new sub-clause be added thereafter, namely:—

"(*2*) When a member of a co-operative society, which includes among its objects the advance of loans to its members, intends to apply for a loan from any person other than the society, such member shall send to the society a notice stating—

(*a*) his intention to apply for such a loan, and

(*b*) the amount of the loan for which he intends to apply."

Mr. SPEAKER: Dr. Sanyal, are you withdrawing your motion?

Dr. NALINAKSHA SANYAL: Sir, I was inclined to withdraw my motion, but after having heard the explanation, I rather feel that my draft has not been improved upon. The whole purpose of this draft was to enable the members of the co-operative society concerned other than the intending borrower to find out if they could by some persuasive method either induce the person to give up the idea of the loan or have the loan advanced from the society itself or bring about any reduction in the usurious conditions, that may be proposed. All that will not be possible if my draft is not accepted.

Mr. SPEAKER: I think, this will be enough for the time being.

Dr. NALINAKSHA SANYAL: All right, Sir, if you so advise I am ready to withdraw my amendment.

The motion of Dr. Nalinaksha Sanyal that the existing clause 44 be renumbered as sub-clause (*1*) of clause 44 and thereafter the following sub-clause be added, namely:—

"(*2*) Further, when a member of a co-operative society intends to to take a loan from any outside creditor, he shall notify such intention to the society of which he is a member stating the name and address of the proposed creditor and the amount of loan applied for,"

was then, by leave of the House, withdrawn.

The motion of the Hon'ble Mr. Mukunda Behary Mullick, namely, that the existing clause 44 be renumbered as sub-clause (*1*) of that clause and the following new sub-clause be added thereafter, namely:—

"(*2*) When a member of a co-operative society, which includes among its objects the advance of loans to its members, intends to apply for a loan from any person other than the society, such member shall send to the society a notice stating—

(*a*) his intention to apply for such a loan, and

(*b*) the amount of the loan for which he intends to apply,"

was then put and agreed to.

The question that clause 44, as amended, stand part of the Bill was then put and agreed to.

Mr. SPEAKER: What is the position of clause 47?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With regard to clause 47, we may be in a position to accept the first of the amendments where the amendment seeks to omit the word "prior". Will you kindly give me some time to examine it?

Mr. SPEAKER: If you desire to accept the amendment, it is better that you should examine the whole thing.

There are some amendments of Mr. Surendra Nath Biswas on this clause.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Those amendments are rather of a substantial character, and require a careful examination.

Clause 52.

Dr. NALINAKSHA SANYAL: I beg to move that after clause 52 (*c*) the following new sub-clause be inserted, namely:—

"(*cc*) with any scheduled bank, subject to such conditions as may be prescribed;"

I also beg to move that for sub-clause (*d*) of clause 52 the following sub-clause be substituted, namely:—

"(*d*) in advances to members or depositors in accordance with rules prescribed."

Clause 52 deals with the question of investment of funds, and as such it is one of the most important clauses of the Bill. It defines the circumstances under which and the limitation within which the funds of a co-operative society may be invested or deposited. It is stated that the funds should be deposited or invested in the Government Savings Bank or in any of the securities specified in section 20 of the Indian Trusts Act, 1882, or with the sanction of the Registrar in the shares or debentures or in the security of any other co-operative society with limited liability, and in any other manner prescribed. Sub-clause (*d*) thus gives an omnibus power in the hands of the Government to prescribe the other manners by which investments may be permitted. I submit that we should not leave this very important matter to Government to be provided under their rules. We must give an indication of the circumstances under which alone investments may be made and the conditions which must be satisfied before an investment can be permitted; and therefore I have sought to add two other sub-clauses, one relating to the permission to deposit or invest funds with any scheduled bank subject to such condition as the Registrar may impose. I give the power to the Registrar to lay down conditions under which funds may be invested with a scheduled bank.

Mr. SPEAKER: Don't you think that your amendment No. 79 might be dangerous? No. 78 is all right.

Dr. NALINAKSHA SANYAL: I am just coming to that. I have also felt that there should be some provision for advances to members which is not mentioned anywhere. If the funds of a co-operative society are not permitted to be used by way of an advance to members, I do not know what the purpose of the co-operative society may be.

Mr. SPEAKER: Clause 39 lays down certain restrictions on lending.

Dr. NALINAKSHA SANYAL: So far as the investment of funds is concerned, that is a general clause.

Mr. SPEAKER: Supposing you give the power of investment to the society and you do not limit the amount, will not that be dangerous?

Dr. NALINAKSHA SANYAL: I submit that those who know something about banking will bear me out that lending and investment are two terms interchangeable.

Mr. FAZLUR RAHMAN: No.

Mr. SPEAKER: Then why not leave 39 as it is?

Dr. NALINAKSHA SANYAL: My friend Mr. Fazlur Rahman says "No". He is a student of economics. May I draw his attention to a very small book of Economics—an elementary treatise which must have been read by him (Withers' Meaning of Money) in which there is an important section on Loans and Deposits? It is very clearly explained there that between loan and investment there is hardly any difference, and loans make deposits and *vice versa*.

Mr. FAZLUR RAHMAN: Will my friend see section 39——

Dr. NALINAKSHA SANYAL: Section 39 and section 52 are not the same. I do not say that. I submit that if 52 is a section governing investment of funds it relates to all funds. It must also be comprehensive enough to include loans.

Mr. SPEAKER: After all 52 will be governed by 39 also.

Dr. NALINAKSHA SANYAL: Quite so. If 52 does not provide for the facilities, 39 will not come at all.

Mr. SPEAKER: If your amendment is not carried, the co-operative society will not be able to give loan to a member?

Dr. NALINAKSHA SANYAL: I don't think so. Within the law it will not be permissible. Section 39 does not give any mandatory power. It is a negative section. It says, "a co-operative society shall not make loans, etc. It only makes a negative provision as to the circumstances under which they shall not make loans. It does not say that the co-operative society may advance money to so and so. It is only 52 that gives that power."

Mr. SPEAKER: Will you read (*b*), viz., a co-operative society shall not make loans to a member in excess?

Dr. NALINAKSHA SANYAL: There is nothing positive there.

Mr. SPEAKER: Shall not give in excess means shall give but not in excess.

Dr. NALINAKSHA SANYAL: But there is no provision in law. It must be permissible by some other section. You are an acute lawyer which I am not. If there is a specific provision in the legislation directing specifically as to how you are going to utilise your funds, that specific provision must have precedence over any presumption or any conclusion that you may draw from another section where you will have to draw a conclusion from a negative proposition. Even then if that is the position I do not see any difficulty in accepting my proposition. If there is no harm in providing for advances to members and to depositors why not have it here also? Because a repetition of this provision will not in any way take away from it the spirit of the Act itself. Where you have a limitation about funds not being invested, why not put the possibility of investing also with members and depositors? I would not like to leave the entire matter——

Mr. SPEAKER: Well, I think it may be left to rule-making powers and in that view I think your amendment No. 79 need not be pressed.

Dr. NALINAKSHA SANYAL: Well, in that case I shall have to leave the entire matter to be decided by rules or in any other manner prescribed. Government would have to be given that omnibus power, because I am definite that this difficulty will arise and then Government will have to say that they will make provision in the rules.

Mr. SPEAKER: If you say, Dr. Sanyal, that your intention is that a loan means advance, then do you mean to say that Government will say that no loan should be given to a member?

Dr. NALINAKSHA SANYAL: It will not say that. My primary intention is this—I do not want to leave the matter entirely to be prescribed by rules. Therefore I must be specific.

Mr. SPEAKER: Not even the power that a society may grant loan to a member?

Dr. NALINAKSHA SANYAL: That is the reason why I have to provide for that. If I did not provide for this minimum then that also

would be barred out. Otherwise Government would take power by virtue of the rules framed under sub-section (*d*). My primary intention is to take away this rule-making power, namely, as provided in sub-section (*d*).

Mr. SPEAKER: That I understand.

Dr. NALINAKSHA SANYAL: Thank you, Sir, and in order to take that away I had felt that if I did not leave this power of advancing to members and depositors then it would be very anomalous. Therefore I had to provide for that as per my amendment No. 79.

Mr. SPEAKER: I quite understand your point. As I see it if I were to interpret it, I will say that apart from section 52, section 39 is clear enough that a co-operative society can give loans without any Government rules. So there is no necessity for a Government rule to enable a co-operative society to grant a loan. There is absolutely no doubt about it.

Dr. NALINAKSHA SANYAL: But, Sir, the courts may hold a different opinion.

Mr. SPEAKER: I am quite prepared to take a bet on it that they won't.

Dr. NALINAKSHA SANYAL: Sir, let us not go on betting here also (laughter). To me, Sir, it seems that the rules must provide for this. Anyway if the Hon'ble Minister gives an explanation that it does cover the object I have in view, then I would only simply say that (*d*) be deleted, and not press the amendment.

Mr. SPEAKER: If you want that to be deleted, then would it not be inconsistent with your own position, namely, that the co-operative movement should embrace a much larger scope. If that is so, if you shut for all possible time only Savings Banks and Security Banks, you really go against your own view.

Dr. NALINAKSHA SANYAL: That is exactly why I wanted to limit the nature of investment knowing as we do through experience the manner in which funds of one society have been invested in another society which is in a moribund condition and knowing also how the funds of societies have been locked up in investments which are now unrealizable, also knowing how the funds that are so invested are shown from year to year in the audited balance-sheet to show a larger asset of

a society so that the audit fees at a higher scale may be realized—knowing all this our practical experience compels us to move this limitation on the powers of the Registrar.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that the following proviso be added to clause 52, namely:—

"Provided that where, with the sanction of the Registrar, a co-operative society invests or deposits its funds in any other co-operative society with limited liability, it shall be obligatory on the Registrar to inform the persons subordinate to him or acting under his authority who are in administrative charge of these societies of such transactions and to send copies of such information to persons appointed to assist him in the area or areas concerned for verification at the time of audit."

Sir, it is common knowledge that the history of co-operative movement is blackened by a series of defalcations which have resulted mainly from perfunctory or very careless audit, and the inter-lending between societies with the sanction of the Registrar has been a very fruitful source of these defalcations. As a safeguard against future defalcations, I propose this amendment and I hope the Hon'ble Minister will see his way to accept this very useful amendment.

Mr. SIBNATH BANERJEE: Sir, I beg to move that in clause 52(c), line (1), the words "with the sanction of the Registrar" be omitted.

Sir, the word "Registrar" in the co-operative movement has become a bugbear, especially after the provisions that were passed yesterday. Even the European members, members representing big business and high finance, they were scared so much by the provisions of that clause that they came to our lobby. Sir, it does not matter who the Registrar will be, but for the Registrar to have so much power will not be beneficial to the co-operative movement. Therefore I want this clause to be omitted. This is however a negative aspect and I want to press a positive aspect. One point that I have been emphasising is that the money available in the co-operative movement should be invested in the productive societies, that is, limited liability societies and for that there should be no restriction whatsoever. Even the intervention of the Registrar should not be necessary. Whenever there is a limited liability society of a productive nature, the members of any society who have got some surplus money should be free to invest in that society. Correspondence with the Registrar might cause delay and also favouritism and other vices of which any human being may be guilty might

stand in the way of a proper investment of the money available in the movement and we know that in many of the co-operative limited liability societies there is a lot of money but they cannot invest the money. They are either keeping them in their vaults or no productive purpose is being served by that money. Therefore, any obstacle in the way of investment of that available sum for productive purposes I am opposed to. For these reasons I want the deletion of the words "with the sanction of the Registrar."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 52 (*a*) for the word "the" the word "a" be substituted.

Now, so far as the amendments of my friend Dr. Sanyal are concerned, you will be pleased to find that I cannot accept either of them. For, if I may say so without disrespect to him, he is labouring under some amount of misapprehension. This clause deals with investment and not with loans as you, Sir, have been good enough to point out to him several times. Clause 39, which has already been agreed to by the House, deals with that position and says as to how a loan can be advanced to a particular society. Therefore, Sir, so far as this is concerned, I feel that he is under a misapprehension, and with regard to the suggestion that a co-operative society should invest its money in a scheduled bank, I feel that it is undesirable, for our idea is to keep the surplus money of the co-operative society in the movement itself. Therefore, we cannot agree to have the surplus money of a co-operative society taken out of the movement and invested in a profiteering concern.

With regard to the other thing, Sir, I have already made my submission, namely, the suggestion in the amendment No. 79.

With regard to my friend Mr. Banerjee who has moved amendment No. 80, my submission is that it will be an impossible task for the Registrar to collect all the information regarding the investments or deposits of one society in another. So far as I am concerned, I can sympathise with his ideas, and perhaps if there was no difficulty I might have felt tempted to accept it, but, Sir, the difficulty is this. There are practical difficulties in the way, namely, that it is not possible for the Registrar to know all the details of such investments. Therefore, Sir, I am sorry that I am not in a position to accept his amendment.

Mr. SPEAKER: I think Mr. Banerjee refers to cases where one co-operative society invests its money in another co-operative society.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The terms and conditions of such investments will have to be known. It might be a

temporary accommodation or it might be a long term business. It is not possible for the Registrar to know all the details.

Mr. SATYAPRIYA BANERJEE: Will you incorporate it in the rules?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In the manner that we have prescribed in sub-clause (*d*).

Dr. NALINAKSHA SANYAL: Will you prescribe it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is no harm in that.

Mr. SPEAKER: There have been certain defalcations when one co-operative society invested its money in another. Do you guard against it in sub-clause (*d*) where a co-operative society is allowed to invest money in another?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir, that is my idea.

In that view, I hope my friend Mr. Satyapriya Banerjee will be good enough to withdraw his amendment.

With regard to my friend Mr. Sibnath Banerjee, I do not think there was any occasion for him to have this apprehension when he said that the Registrar was in the nature of a bugbear. I feel that when this clause is there, it is just to develop all such societies, that the money should be available for investment in them. I do not think there is any reason for an apprehension of this nature.

Mr. SATYAPRIYA BANERJEE: In view of the assurance given by the Hon'ble Minister that he will incorporate it in the rules, I beg leave of the House to withdraw my amendment.

The motion of Mr. Satyapriya Banerjee that the following proviso be added to clause 52, namely:—

> "Provided that where, with the sanction of the Registrar, a co-operative society invests or deposits its funds in any other co-operative society with limited liability, it shall be obligatory on the Registrar to inform the persons subordinate to him or acting under his authority who are in administrative charge of these societies of such transactions and to send copies of such information to persons appointed to assist him in the area or areas concerned for verification at the time of audit"

was then, by leave of the House, withdrawn.

The motion of Dr. Nalinaksha Sanyal that after clause 52 (*c*), the following new sub-clause be inserted, namely:—

"(*cc*) with any scheduled bank, subject to such conditions as may be prescribed"

was then put and lost.

The motion of Dr. Nalinaksha Sanyal that for sub-clause (*d*) of clause 52, the following sub-clause be substituted, namely:—

"(*d*) in advance to members or depositors in accordance with rules prescribed"

was then put and lost.

The motion of Mr. Sibnath Banerjee that in clause 52 (*e*), line 1, the words "with the sanction of the Registrar" be omitted, was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 52 (*a*), for the word "the" the word "a" be substituted, was then put and agreed to.

The question that clause 52, as amended, stand part of the Bill was then put and agreed to.

Clause 53.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in sub-clauses (*1*) and (*2*) of clause 53 after the expression "reserve fund" wherever it occurs, the words "and a bad debt fund" be inserted.

The object is clear. This clause provides for the creation and maintenance of a reserve fund. I submit that in addition to a reserve fund, experience has shown that the creation and maintenance of a bad debt fund also is very much necessary. Therefore, I seek to add these words "and a bad debt fund." This is a suggestion that has been obtained from persons who are interested in the co-operative movement and who are very much experienced in the matter, and I believe the Hon'ble Minister knows that the suggestion has also come from some persons and organisations from whom opinion was sought in connection with the Select Committee's work.

Sir, I also beg to move that in clause 53 (*4*) (*c*), line 1, after the word "other" the word "scheduled" be inserted.

Clause 53 (*4*) states the circumstances under which the reserve fund may be invested, and it is stated "in any other bank approved by the Registrar." I would not like this wide power being given to the

Registrar to invest the reserve fund of a co-operative society in any bank whatsoever. I should like it to be limited to scheduled banks only, because the reserve fund is such that it must be capable of being drawn upon at times of emergency, and if it is invested in a bad or a comparatively undependable bank, then it may not be possible for the society to depend upon this reserve fund in times of its own crisis. It should be also in the interests of the Registrar himself, who might be saved from being flooded with applications for investment from various banks, which are not of that category which are scheduled to the Reserve Bank of India. Therefore, I want the word "scheduled" to be prefixed to the word "bank" in sub-section (*c*) of sub-clause (*4*) of clause 53.

Mr. SIBNATH BANERJEE: Sir, I beg to move that for clause 53 (*4*) (*c*), the following sub-clause be substituted, namely:—

"in the Provincial Co-operative Bank or in any other Scheduled Bank."

Mr. SPEAKER: I think it is quite obvious. You have deleted the words "approval of the Registrar" and you have definitely specified the nature of the bank.

Mr. SIBNATH BANERJEE: I have made a positive suggestion. It should be deposited in the Provincial Bank and also in any other Scheduled Bank. I should have liked to make only one suggestion, that all the reserve funds should be deposited with the Provincial Co-operative Bank, but I thought it might be that the Provincial Co-operative Bank would not be able to cope with all the funds available, and therefore an outlet has been kept for the money. If there is any surplus which the Provincial Co-operative Bank cannot profitably utilise, it may be invested in a Scheduled Bank. But I should like to emphasise that all the money available should be kept in the Provincial Co-operative Bank, which is to function as an apex bank not as it is functioning to-day in spite of the fact that Mr. Wordsworth is the Chairman, but properly as an apex bank to give credit wherever it is necessary to start new societies for production and distribution, to finance them and to co-ordinate properly all the co-operative societies of this province.

With these few words, Sir, I commend my amendment to the acceptance of the House.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 53 (*1*), lines 1-3, for the words "which does or can

derive a profit from its transactions shall maintain a reserve fund" the words "shall maintain a reserve fund in respect of the profits, if any, derivable from its transactions" be substituted;

that in clause 53 (*2*), line 1, after the word "society" the word "in" be inserted;

that in clause 53 (*2*), line 2, for the words "at least" the words "not less than" be substituted; and

that in clause 53 (*2*), line 5, for the word "any" the word "such" be substituted.

Sir, with regard to amendment No. 81 of my honourable friend Dr. Sanyal, my respectful submission to this House is that it is not necessary to have a bad debt fund in addition to the reserve fund, because the reserve fund is intended to meet any loss and as such it serves the purpose of a bad debt fund as well. The question will also arise if there will be any surplus left, that they must have some money for distribution as dividends, should we have so many funds when one may serve the purpose? I feel therefore that there is hardly any necessity for a separate fund.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I draw the Hon'ble Minister's attention to sub-clause (*3*) where it is definitely stated that "save to the extent that, and in such manner as, may be prescribed, no part of its reserve fund shall be used in the business of a co-operative society." I do not understand, Sir, where the Hon'ble Minister finds that the reserve fund can be drawn upon in case of the usual contingency of meeting bad debts. It must be under very extraordinary circumstances that, under the rule, power may be given to meet certain contingencies, as for example, at the time of liquidation or otherwise. But I do not understand how in normal ordinary credit business of a society the reserve fund can be drawn upon for meeting bad debts. And if that was permissible it would be very dangerous, because in that case the reserve fund would never accumulate.

Mr. SPEAKER: I would have liked a positive clause instead of a negative one, namely, that the reserve fund can be utilised only in the manner to be prescribed.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It would have been better, Sir, if we could have done that.

Mr. SPEAKER: It would obviate all difficulties.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir.

Dr. NALINAKSHA SANYAL: Please accept the Hon'ble Speaker's suggestion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, we shall keep this in view. We have yet time.

Mr. SPEAKER: At present the sub-clause states: "save to the extent that, and in such manner as, may be prescribed, no part of its reserve fund shall be used in the business of a co-operative society." Yet an emergency may arise. Do the rules contemplate such things?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Undoubtedly, Sir.

In that view, Sir, I do not think that there is any necessity to have this addition in the clause, as is suggested by my friend Dr. Sanyal. With regard to his amendment No. 82, I may say that it is practically the same thing as we have already dealt with in clause 52, namely, that we do not desire to have any money invested in scheduled banks to the exclusion of co-operative societies.

Dr. NALINAKSHA SANYAL: You mean any bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We do not expect that there will be any case for approval by the Registrar in case of other banks except when they are co-operative banks.

Dr. NALINAKSHA SANYAL: Will you accept "in any other co-operative bank"?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There may be occasions when this may not be possible.

Dr. NALINAKSHA SANYAL: That is, the Registrar will accommodate his favourite banks.

Mr. DHIRENDRA NATH DUTTA: It is peculiar that the Registrar has got no liability.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think there was any necessity for my friend Dr. Sanyal to attach so much importance to a point like this.

Dr. NALINAKSHA SANYAL: No, no. It is very important.

Mr. SURENDRA MOHAN MOITRA: May I ask whether it is a fact that money had been deposited in a central bank which immediately after was transferred to another bank under section 106?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It would be very unfortunate if things like that happened. It is expected that such things will not recur.

Rai HARENDRA NATH CHAUDHURI: Why not accept the safeguard?

Mr. DHIRENDRA NATH DUTTA: What is the harm in taking precautions?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think that there is any justification for that. In any case, Sir, it will be invested by the societies themselves. Whether the Registrar should or should not give approval is another matter. As I have said, Sir, the investment will be by the society, and therefore it is a matter for the society itself and it will be for the Registrar to see whether the moneys have been properly invested or not. It is from that point of view, Sir, that I was suggesting that there was no justification for it.

With regard to my friend Mr. Sibnath Banerjee, I believe it is only proper that the reserve fund should be invested in the Provincial Co-operative Bank. In fact, that is what the practice is now.

So far as the other suggestions are concerned, I think I have given reasons why they cannot be accepted and I do not like to repeat them.

I oppose all the amendments.

The motion of Dr. Nalinaksha Sanyal that in sub-clauses (*1*) and (*2*) of clause 53 after the expression "reserve fund", wherever it occurs, the words "and a bad debt fund" be inserted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 53 (*4*) (*c*), line 1, after the word "other" the word "scheduled" be inserted, was then put and a division taken with the following result:—

AYES—56.

Abdul Wahed, Maulvi.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prasad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.

Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishtha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisheri Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—92.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badrudduja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Damber Singh.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Patiram.
Sahabo Alum, Mr. Syed.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Samaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.

Sirdar, Babu Lilla Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. O.
Yousuf Mirza.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 56 and the Noes 92, the motion was lost.

The motion of Mr. Sibnath Banerjee that for clause 53 (4) (c), the following sub-clause be substituted, namely:—

"in the Provincial Co-operative Bank or in any other Scheduled Bank,"

was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 53 (1), lines 1-3, for the words "which does or can derive a profit from its transactions shall maintain a reserve fund", the words "shall maintain a reserve fund in respect of the profits, if any, derivable from its transactions" be substituted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 53 (2), line 1, after the word "society" the word "in" be inserted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 53 (2), line 2, for the words "at least" the words "not less than" be substituted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 53 (2), line 5, for the words "any" the word "such" be substituted, was then put and agreed to.

The question that clause 53, as amended, stand part of the Bill, was then put and agreed to.

Clause 54.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that to paragraph (b) of sub-clause (2) of clause 54, the following proviso be added, namely:—

"Provided that the audit officer shall not so recommend if such asset is adequately covered."

The motion was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, I would like to draw your attention to one important matter to which my attention was drawn after I sent in notice of my amendment relating to distribution of profits. My attention was drawn to certain kinds of hardships caused to societies in large mercantile offices in Calcutta where accumulation of reserve

funds is going on without any restriction and the members concerned of the present generation cannot take any advantage of the accumulations which are out of their own profits and distribution of profits as provided in section 54 does not contemplate any restriction on the total amount of reserve fund to be created. If there was any provision that the maximum limit of a reserve fund would be prescribed under the rules beyond which profits may be distributed to members, it would perhaps be reasonable and in that event some of these societies which are going on accumulating funds would find it possible to distribute some of the profits. Possibly the Hon'ble Minister has followed my point. In some of the big mercantile firms in Calcutta there are co-operative societies. The employees contribute a particular portion of their monthly salary towards the fund of the society and they take loans from that society. When, after the end of the year, the society's balance sheet is drawn up, a certain amount is kept reserved for a reserve fund. That reserve fund accumulation is going on for years. There is no possibility of drawing anything out of the reserve fund, and as a result, in some of the societies—I was approached by a society in which some members of the European Group in the Assembly are interested; I do not like to name the firm—there has been a fabulous accumulation in the reserve fund. The present generation of the members of the society can under no circumstances make use of the reserve fund. A portion of profit has got to be reserved under the law in the reserve fund however big the fund may be. I was just suggesting to Government to devise a method by which a certain amount, a lakh of rupees or 2 lakhs or an amount of twice the working fund or equal to the working fund, whatever it might be, may be fixed as the maximum, so that after a stage it may be possible for some members to get full benefit of their profits. That is all I want to submit.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I hope my friend Dr. Sanyal's apprehension will be removed if I remind him of the provision in sub-clause (2) of clause 53 which has been agreed to by this House. Sub-clause (2) provides that at least 25 per cent. of the profit should be carried to the reserve fund and then it goes on to say "or such other proportion as may be prescribed for any society or class of society." Taking that along with clause 54 there ought to be no doubt in our minds that the idea is that we should start a reserve fund and after we have got it properly established, the desire is to have such rules for a class of society whereby the accumulated profits may be distributed amongst the members. I think that is what Dr. Sanyal wants. What I submit to the House makes the position clear, and I think there is no need for Dr. Sanyal's amendment.

The question that clause 54, as amended, stand part of the Bill was then put and agreed to.

Clause 55.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 55(*b*), line 1, after the word "may" the words "in accordance with the rules" and after the word "contribute" the words "not more than" be inserted.

Mr. SATYAPRIYA BANERJEE: I oppose it. In the Select Committee it was unanimously decided that out of the net profits the society may contribute 10 per cent. of the balance for any charitable purpose as defined in the Charitable Endowments Act. I do not know what has transpired since then, that the Hon'ble Minister who was also a signatory to the report, has found his way to change the opinion then arrived at. If the society earns profit, it is up to it to distribute it for charitable purposes in the manner it thinks best. I do not see what purpose the rules will serve in the matter of distribution of profits save giving power to the Registrar to interfere with its rights to distribute its own profits. This was the decision we unanimously arrived at in the Select Committee. I do not see why the Hon'ble Minister in charge has now gone back upon it.

(The House was then adjourned for 20 minutes.)

(After adjournment.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With your leave, Mr. Deputy Speaker, I only want to make one submission to the House, with regard to the objection of my friend Mr. Banerjee about amendment No. 250. You will find that sub-clause (*b*) of clause 55 provides for a contribution of 10 per centum. My amendment is only to show that it is left to the discretion of the society concerned to contribute any sum up to that amount, but we have not got any expression of that nature which gives the society an authority to make it 10 per cent. or less than that. If we have this provision as it is in this Bill, then there will be a tendency to contribute the full amount even if it is not possible for the society to contribute so much. It is just to make that position clear and further to explain the situation we thought that it might be laid down distinctly in this clause. It is from that point of view that I have tabled my amendment without any disrespect to the Select Committee, but just to amplify the position. I think my friend Mr. Banerjee is labouring under a misapprehension.

Mr. SATYAPRIYA BANERJEE: May I just submit a few words?

Mr. DEPUTY SPEAKER: What is it?

Mr. SATYAPRIYA BANERJEE: I want to oppose the Hon'ble Minister's amendment.

Mr. DEPUTY SPEAKER: Do you want to say something in reply?

Mr. SATYAPRIYA BANERJEE: No, Sir. I want to say only a few words in opposition.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My honourable friend has already opposed.

Mr. SATYAPRIYA BANERJEE: Sir, I do not press my amendment nor do I want to oppose his amendment if the Hon'ble Minister in charge gives me an assurance that the rules that will be framed hereafter will only concern themselves with the determination of the percentage to be given by the society. But if the rules give the Registrar power by the backdoor which the Select Committee refused to give to the Registrar, to distribute these profits, then I have objection. I think the Hon'ble Minister will give me this assurance.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, there is nothing more that I could say.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 55(*b*), line 1, after the word "may" the words "in accordance with the rules" and after the word "contribute" the words "not more than" be inserted, was then put and agreed to.

The question that clause 55, as amended, stand part of the Bill was then put and agreed to.

Clause 56.

Mr. SATYAPRIYA BANERJEE: I beg to move that in clause 56 (*1*), in line 2, after the word "members," wherever it occurs, the words "and employees" be inserted.

Sir, this is a very simple thing. It is only making provision for Provident Fund for the employees also along with the members of a co-operative society and I do not think the Hon'ble Minister has anything to object to this.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am prepared to accept this amendment but not in that form because there will then be some difficulty in its application. So I am putting in this

short-notice amendment and I hope my friend, Mr. Banerjee, will see his way to agree to it. It is this that in clause 56(*1*), line 2—

(1) after the word "members" in the first place in which it occurs the words "officers or servants" be inserted, and

(2) after the word "members" in the second place in which it occurs the words "officers or servants", as the case may be, be inserted.

The motion was then put and agreed to.

The motion of Mr. Satyapriya Banerjee that in clause 56(*1*), in line 2, after the word "members" wherever it occurs, the words "and employees" be inserted, was then, by leave of the House, withdrawn.

The question that clause 56, as amended, stand part of the Bill was then put and agreed to.

Clause 57.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 57(*1*), in line 1, before the words "No member" in the beginning, the following words be inserted, namely:—

"Except when a member present at a meeting is empowered under section 20(*2*) to exercise vote on behalf of absentee members."

Sir, we have already provided that in the case of certain classes of societies delegates may exercise votes on behalf of members. I only want that position to be further cleared up so that if a member is both an original member himself as well as a delegate on behalf of certain other members, he may in that case be permitted to use two votes. As it now stands, a member cannot both be a member as well as a delegate. I hope the Hon'ble Minister has followed my point. This is a consequential amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think, Sir, if I move my amendment, perhaps it will satisfy my friend Dr. Sanyal and he will be pleased to see his way to accept mine.

Sir, I beg to move that for sub-clause (*1*) of clause 57, the following be substituted, namely:—

"(*1*) Subject to the rules relating to voting by delegates, no member of a co-operative society shall have more than one vote in its affairs:

Provided that in the case of an equality of votes the Chairman at a meeting shall have a second or casting vote."

Dr. NALINAKSHA SANYAL: In view of the amendment moved by the Hon'ble Minister, I do not press my amendment. Therefore, I beg leave of the House to withdraw it.

The motion of Dr. Nalinaksha Sanyal that in clause 57(*1*), in line 1, before the words "No member" in the beginning the following words be inserted, namely:—

"Except when a member present at a meeting is empowered under section 20(*2*) to exercise votes on behalf of absentee members."

was then, by leave of the House, withdrawn.

The motion of the Hon'ble Mr. Mukunda Behary Mullick, that for sub-clause (*1*) of clause 57 the following be substituted, namely:—

"(*1*) Subject to the rules relating to voting by delegates, no member of a co-operative society shall have more than one vote in its affairs:

Provided that in the case of an equality of votes the Chairman at a meeting shall have a second or casting vote.",

was then put and agreed to.

The question that clause 57, as amended, stand part of the Bill was then put and agreed to.

Clause 58.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 58, line 4, for the words "prescribed by" the words "provided for in" be substituted.

The motion was then put and agreed to.

The question that clause 58, as amended, stand part of the Bill was then put and agreed to.

Clause 59.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 59(*1*)(*a*) be omitted. This clause relates to the provision for members to furnish information as to their financial position and alienation of their immovable property. It is provided that a full, true and accurate statement of assets and liabilities shall be furnished by an applicant for membership of a co-operative society with unlimited liability together with his application, and also that such a member of a co-operative society will furnish such a statement when required to do so by the

Registrar or any person authorized by him and, further by a member of any other society together with any application for a loan or for acceptance as a surety. I find some genuine practical difficulty in insisting upon persons even when they apply to become a member to require them to furnish a complete statement of all their assets and liabilities. In the first place so long as a person does not propose to be a borrower and merely wants to become a member for keeping some money or having some shares without any intention of borrowing from the society, there is no necessity of insisting that all his private affairs, his confidential matters relating to his assets and liabilities should be disclosed. If we insist on this, the result would be that we shall scare away people. We shall not encourage people to become members of co-operative societies with unlimited liability. I quite see that in cases where we have got unlimited liability provided for members, the society must be in a position to know and assess the extent of total liability that the society can as a whole bear. But, Sir, that would be left to the local knowledge of societies rather than to any statements which the members will have to furnish before a member applies, or at the time when a member applies for membership as such. I therefore propose that sub-clause (*a*) be deleted. I think that sub-clauses (*b*) and (*c*) are quite enough. Sub-clause (*b*) gives the Registrar or any person authorized by him by a general or special order the power to call upon any member to submit such a return. That power being already there, there should be no further obligation entailed upon an applicant for membership to submit such elaborate statements. Further, I feel that few persons do keep such elaborate accounts and it will be impossible for villagers to furnish a true and correct statement of his assets and liabilities, as is required under this section.

With these few words, I request the Hon'ble Minister to accept the deletion of sub-clause (*a*).

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, before I reply to my friend Dr. Sanyal I want to move my amendments Nos. 81 and 82.

Sir, I beg to move that in clause 59(*2*), line 4, the letter and brackets "(*a*)" be omitted, and

that in clause 59(*2*), line 6, for the letter and brackets "(*b*)" the word "regarding" be substituted.

So far as Dr. Sanyal's amendment is concerned, he has indicated that there are some practical difficulties in the way of an intending member to supply the details of his assets and liabilities to the society, and he suggests further that sub-clauses (*b*) and (*c*) will be quite enough to meet such cases. I submit with respect to the House that this will not be so. Sub-clause (*a*), as I read it, is meant entirely for a

society with unlimited liability. It is essential that the members thereof do know the financial conditions of all their members. It is from that point of view that it is designed by sub-clause (*a*) that the intending member of an unlimited liability society in the interior ought to be able to disclose his financial position to his co-members so that there may not be any misapprehension or misunderstanding about such matters so far as these members are concerned.

With these few observations, I oppose the amendment of my friend Dr. Sanyal.

The motion of Dr. Nalinaksha Sanyal that clause 59(*1*)(*a*) be omitted was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick that in clause 59(*2*), line 4, the letter and brackets "(*a*)" be omitted, and

that in clause 59(*2*), line 6, for the letter and brackets "(*b*)" the word "regarding" be substituted, were then put and agreed to.

The question that clause 59, as amended, stand part of the Bill was then put and agreed to.

Clause 60.

The question that clause 60 stand part of the Bill was then put and agreed to.

Clause 61.

Dr. NALINAKSHA SANYAL: Sir, I want the deletion of this clause so I shall speak against clause itself. This clause relates to the share or interest not being liable to attachment. It reads thus:—

"Notwithstanding anything contained in any law but subject to the provisions of section 48, the share or interest of a member in the capital of a co-operative society or in any provident fund established under section 56 (that is also meant for members only) shall not be liable to attachment or sale under any decree or order of a Court in respect of any debt or liability incurred by such member and neither the Official Assignee under the Presidency-towns Insolvency Act nor a Receiver under the Provincial Insolvency Act shall be entitled to or have any claim on such share or interest."

Sir, I submit that to rule out all kinds of decrees from affecting the shares or interest of members in the capital of a co-operative society is to introduce a very dangerous principle. I cannot understand why this clause was at all conceived of. If a member incurs any liability which is of such a nature that the Court finds that there should be a decree against such a member, there should be no reason why the assets of that member, whatever those assets may be and wherever they

may be, should not be caught hold of in execution of the decree of the court. The Hon'ble Minister has introduced here a principle whereby any person who wants to evade any liability may just manage to buy shares of a co-operate society and completely evade all his past liabilities. (Mr. FAZLUR RAHMAN (Dacca): So much the better for the co-operative movement!) Yes, but the society will not be benefited at all as a result thereof.

I submit, Sir, that this will make it impossible for members in the rural areas to get any loans from institutions other than co-operative societies. It is admitted that so far only six per cent. of the population have been touched by co-operative societies, and with all the zeal of the Hon'ble Minister and the Registrar himself within any measurable distance of time this cannot be increased to more than, say, 10 per cent. So if 90 per cent. of the rural credit has got to be found from other sources, there should not be this kind of attempt to prevent such loans being granted and there should be no undue restrictions created for those who with all *bona fide* intentions would advance money to persons who might eventually evade the same by merely becoming members of co-operative society and contributing in the capital of the same.

With these words, Sir, I propose that this clause be deleted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 61, line 1, after the word "law" the words "for the time being in force" be inserted.

Now, Sir, with regard to Dr. Sanyal's proposal, it will be appreciated that if a proposal like this were accepted, there would be nothing to prevent the shares of members from being saved from the hands of outside creditors. We do not intend to protect whatever other property a member may have elsewhere, but we want in the interest of the society, and also to see that the society does exist, that the share or interest that a member may have in the co-operative society may be saved from attachment by outside creditors. It is on this short ground, Sir, that I oppose the proposal of Dr. Sanyal.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 61, line 1, after the word "law" the words "for the time being in force" be inserted, was then put and agreed to.

The question that clause 61, as amended, stand part of the Bill was then put and agreed to.

Clause 62.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 62, in line 4, after the word "Society" the words "in such manner as may be prescribed" be inserted.

Sir, here is one of the few instances in which I have proposed to leave matters to be decided by rules, and I have tried to give some power to Government to prescribe rules. This clause relates to the liability of members. It states that when a society will be wound up, the members will be jointly and severally liable to contribute towards any deficiency in the assets of the society in the case of a society with unlimited liability without limit and in the case of a society with limited liability, subject to such limitation of amount as may be provided in the by-laws. I find, Sir, that so far as sub-clause (*b*) is concerned, namely, in the case of limited liability society there cannot arise any occasion for joint and several liability to contribute towards any deficiency. In the case of unlimited liability the deficiencies may be rateably distributed. It should not be so provided that one member will lose all his shares, whereas others' interests will remain absolutely untouched. In the case of limited liability society, that should be the position. In the case of unlimited liability society, however, I feel that the practice that was hitherto followed should not be encouraged, namely, to realise the entire amount of the liability from comparatively more affluent members of the society leaving the others entirely without any contribution. I feel that that will scare away men of comparatively better means from membership of co-operative societies—co-operative societies which have unlimited liabilities. I therefore wish to leave these powers of defining the details of the manner in which such liabilities should be met to the rules, and consequently I beg to move my amendment No. 88.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I submit that there is hardly any necessity for including a sub-clause of this nature in clause 62 for the main principle is laid down in these two sub-clauses, and as regards the matter relating to contribution I feel, Sir, that clause 86 meets the point. On this short ground, Sir, I oppose Dr. Sanyal's motion.

The motion of Dr. Nalinaksha Sanyal that in clause 62, in line 4, after the word "Society" the words "in such manner as may be prescribed" be inserted, was then put and a division taken with the following result:—

AYES—45.

Abdul Wahed, Maulvi.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.

Emdadul Haque, Kazi.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maqbul Hosain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Baroda Prasanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.

NOES—71.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badrudduja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Maktabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr. R. B.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 45 and the Noes 71, the motion was lost.

The question that clause 62 stand part of the Bill, was then put and agreed to.

Clause 63.

The question that clause 63 stand part of the Bill, was then put and agreed to.

Clause 64.

Dr. NALINAKSHA SANYAL: Sir, with regard to clause 64, I beg to move that clause 64(*b*) be omitted.

Sir, clause 64 relates to restrictions on interest of members of society with limited liability and share capital, and it is stated there that where the liability of a member of a co-operative society is limited by shares, no member other than another co-operative society shall hold more than such portion of the share capital of the society as, subject to a maximum of one-fifth, may be prescribed; or have or claim any interest in the shares of the society exceeding one thousand rupees. This limitation of interest in the share of a member of a society up to a maximum limit of one thousand rupees appears to be rather unscientific. I would like the Hon'ble Minister to explain on what basis he has fixed this figure of one thousand rupees. I can quite understand sub-clause (*a*) which states about the maximum in relation to the total of the share capital. That is quite understandable. There may be societies formed of which the total amount of share capital will be one thousand rupees, and in that case the member concerned may have up to one-fifth of the share capital, i.e. Rs. 200 worth of shares. But there may be co-operative societies, multiple-purpose co-operative societies or co-operative jute purchase societies, with very large capital.

Mr. SPEAKER: Suppose a society is started with a share capital of Rs. 1 lakh. According to sub-clause (*a*) no member can have shares of more than Rs. 20,000, and according to sub-clause (*b*) he cannot claim any interest exceeding Rs. 1,000. Which shall operate?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is a very difficult question. The idea was——

Rai HARENDRA NATH CHAUDHURI: The idea is reflected in the Bill. There is no question of your own idea.

Mr. SPEAKER: It is better, Mr. Chaudhuri, to hear their ideas.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The idea was that where the amount of the capital would be heavy, no single member shall have more than one-fifth of the shares and where it is less, no member shall have anything more than one-third.

Mr. SPEAKER: You do not lay down any maximum for the share capital of a society, but you say that no member shall have or claim any interest exceeding one thousand rupees.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Our idea is that no single member shall have more than one thousand rupees worth of shares.

Dr. NALINAKSHA SANYAL: I am on more firm grounds now. I submit that if the whole thing should be shaped on a scientific basis, then there might be a restriction on the percentage of the total share. It has been already laid down that no individual member should hold more than one-fifth of the share capital. That is quite understandable, but the limitation with regard to a particular sum or sums of money creates a difficulty, because there will be various classes of society and societies of different classes will have different share capital. As just now mentioned, if there is a jute purchase society or a co-operative jute sale society obviously that should have a capital of a very large amount. A small jute sale society with a small capital can have no practical use at all. In that case restriction of a particular individual's share capital to Rs. 1,000 would be limiting the activities of the society to a large extent. You fix a maximum of the share capital to which a member may subscribe, and lay down that he will not have or claim any interest in the shares of interest exceeding Rs. 1,000. It may be there will be 10-rupee shares. In that case the member will have not more than 100 shares. In any case no individual member shall have more than one vote. If that is provided, it is immaterial whether the member has got 5,000 or 10,000 or 500 rupees worth of shares. Under the principles of co-operation nobody should have more than one vote. If he has one vote only, that protects the usual manner in which the capitalist tries to control the affairs of the company. If the vote is one, the amount of share need not be restricted. Further, if it is provided that there may be a number of share-holders over which a particular individual may have control, then again this restriction would not bar that also. I may put in 500 of my own men if I want to control the whole affair. Really speaking, I feel that the Hon'ble Minister should apply a little more mind to this point.

Mr. SPEAKER: It is quite possible that a society can be controlled by a money-lender.

Dr. NALINAKSHA SANYAL: If he has got Rs. 1,000 worth of shares he will be as much entitled to have a vote as anybody having one-rupee or ten-rupee shares. We have provided for each member to have one vote. That is a sufficient protection against village money-lenders controlling the affairs of a society.

Rai HARENDRA NATH CHAUDHURI: We cannot understand what the Hon'ble Minister means. Did he mean whichever is minimum?

Mr. SPEAKER: He means that either it must be one-fifth or Rs. 1,000. That becomes the maximum.

Rai HARENDRA NATH CHAUDHURI: In effect it means whichever is minimum.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I hope my friend Dr. Sanyal realises the value that money has, and although a member will have only one vote, if he controls a large amount of money in the share capital, he can certainly exercise his influence.

Dr. NALINAKSHA SANYAL: How can he?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Money has some value. It is from that point of view that we have sought to put some restriction in this clause.

The motion of Dr. Nalinaksha Sanyal that clause 64(*b*) be omitted, was then put and lost.

The question that clause 64 stand part of the Bill, was then put and agreed to.

Clause 65.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 65(*1*), line 4, after the word "prescribed" the following words be added, namely:—

"and, in the case of a member of a society with limited liability, shall require the approval of the society."

The motion was then put and agreed to.

The question that clause 65, as amended, stand part of the Bill, was then put and agreed to.

Clause 66.

The question that clause 66 stand part of the Bill, was then put and agreed to.

Adjournment.

It being 8-5 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 26th July, 1940, in the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday the 26th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Employment Adviser to the Government of Bengal.

*71. **Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the object or objects with which the employment Adviser with the Government of Bengal was appointed at first;

(*ii*) what changes, if any, were made in those objects subsequently;

(*iii*) what are the records of work done by the said officer during the period he had been in office; and

(*iv*) what is the total amount spent on account of this appointment during each of the last three years?

(*b*) Is the Hon'ble Minister aware of the allegation that there has been some plagiarism indulged in by the Employment Adviser in his recent publication entitled: "New Avenues of Employment for Bengali Youths", Volume II?

(*c*) If so, what steps have the Government taken to ascertain how far this allegation is true?

(*d*) Is the Hon'ble Minister considering the desirability of reorganising the work of the Employment Adviser in view of the past achievements?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) A copy of the Government order under which the post was created setting forth the duties attached to the post as originally contemplated, is laid on the Library table. Briefly stated, the object of creating the post was

the collection and dissemination of information in regard to the existing avenues of employment and the training and education required to qualify for the same so that young men seeking employment may know what openings there are for them and how to qualify for them.

(*ii*) After completion of the work entrusted to him under the Government order referred to above, Government considered it necessary to carry on negotiations with businessmen and industrialists to employ Bengali youths with suitable qualifications in larger number than has hitherto been the practice. The Employment Adviser has therefore been authorised to take practical steps to put potential employees in touch with employers and this is what he is doing now.

(*iii*) The Employment Adviser has compiled (*a*) a Hand-Book on the avenues of employment in the various departments of the Governments of India and Bengal and in semi-Government institutions such as Railways, Steamship Companies, Port Trusts, District Boards and Municipalities indicating the training required for such employment and (*b*) another Hand-Book giving details of the opportunities of employment in the various branches of industry, trade and commerce indicating the prospects of absorption of Bengalis therein and the training required therefor. Copies of the two compilations are placed on the Library table.

(*iv*) 1938-39 commencing from the 8th August, 1938—Rs.7,259-1.
1939-40—Rs.14,877-12.
1940-41 up to the 30th June, 1940—Rs.5,068.

The appointment took effect from the 8th August, 1938.

(*b*) Yes. There was such an allegation published in the *Hindusthan Standard*.

(*c*) The matter has been carefully looked into with the result that the allegation has been found to be unfounded. A copy of the rejoinder issued by the Director of Public Information is placed on the Library table.

(*d*) As the achievement so far has been satisfactory, the question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*ii*) how many potential employees have been put in touch with employers under the direction of this Employment Adviser?

The Hon'ble Mr. TAMIZUDDIN KHAN: A large number, Sir. If, however, the exact figure is wanted then I want notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state how many such youths have actually got appointments under the supervision of this Employment Adviser?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. ATUL CHANDRA SEN: In answer (*a*) (*ii*), the Hon'ble Minister has said, "The Employment Adviser has therefore been authorised to take practical steps to put potential employees in touch with employers and this is what he is doing now". Will the Hon'ble Minister be pleased to state what "practical" steps have been taken so far by the Employment Adviser?

The Hon'ble Mr. TAMIZUDDIN KHAN: He has put potential employees in touch with employers. This is a practical step.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please give us some idea about the achievements attained as referred to in his reply (*d*)?

The Hon'ble Mr. TAMIZUDDIN KHAN: The achievement has been set forth in the answer as a whole.

Mr. NISHITHA NATH KUNDU: Can the Hon'ble Minister not give us some idea as to the actual achievements?

Mr. SPEAKER: Well, the Hon'ble Minister says that it has been given in the answer.

Mr. NISHITHA NATH KUNDU: Sir, it is a very vague reply.

Mr. SPEAKER: But he says that he has answered that question.

Agricultural loan advanced and realised in Jessore.

*72. **Khan Bahadur Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the year 1938, 1939, and up to June, 1940—

(*i*) the amounts of agricultural loans granted to the different sub-divisions of the Jessore district;

(*ii*) the amounts that have been realised during the said period; and

(*iii*) the rate at which interests have been realised thereon?

(*b*) Will the Hon'ble Minister be pleased to state whether any suit was brought against any debtor for the realisation of the money?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) and (*ii*) A statement

furnishing the information in respect of the financial years 1938-39, 1939-40 and up to June 1940-41 is laid on the table.

(*iii*) At 6¼ per cent. per annum.

(*b*) No.

Statement referred to in the reply to clauses (a) (i) and (ii) of starred question No. 72.

Name of sub-division.	1938-39.		1939-40.		Up to June of 1940-41.	
	Amount granted.	Amount realised.	Amount granted.	Amount realised.	Amount granted.	Amount realised.
1	2	3	4	5	6	7
	Rs.	Rs. a. p.	Rs.	Rs. a. p.	Rs.	Rs. a. p.
Sadar ..	42,000	384 0 9	9,600	18,734 11 7	Nil	125 0 9
Bongaon	65,000	60 5 0	19,750	24,692 10 9	Nil	Nil
Jhenida	85,500	17 11 3	21,300	36,275 10 1	Nil	836 13 6
Magura	1,28,000	129 10 6	14,750	34,872 4 1	Nil	Nil
Narail ..	1,40,500	2,234 15 4	30,500	48,395 10 11	Nil	3,532 10 0
	4,61,000	2,826 10 10	95,900	1,62,970 15 5	Nil	4,494 8 3

Note.—It may be noted that in the beginning of 1938-39 a sum of Rs.49,028 was outstanding for realisation in this district.

Rules governing award of grants-in-aid to High English Schools.

***73. Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a copy of the rules governing the award of grants-in-aid to high English schools—

(*i*) in Calcutta; and

(*ii*) in the *mufassal*?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the total amount of grants-in-aid disbursed in 1939-40;

(*ii*) the total number of schools in receipt of Government aid;

(*iii*) the names of schools which got the highest and lowest amount of monthly grant in the last year; and

(*iv*) the rate of monthly grants to such schools?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any aid is granted to middle English schools and junior and senior madrassahs;

(*ii*) whether there are any safeguards against the misuse or mal-administration of grant-in-aid;

(*iii*) when and how the money is paid to the school authorities; and

(*iv*) whether the total amount available for distribution to high English schools is apportioned on a divisional or district basis?

(*d*) If the answer to (*c*) (*iv*) is in the negative, will the Hon'ble Minister be pleased to state on what basis the apportionment is made?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) There is a general set of grant-in-aid rules governing all secondary schools (both high English and middle English schools). These rules are incorporated in Chapter VIII of the Bengal Education Code, 1931, which may be referred to. There is also a special set of grant-in-aid rules, a copy of which is placed on the table.

The rules mentioned above apply to all secondary schools both in Calcutta and the *mufassal*.

(*b*) A statement is laid on the table.

(*c*) (*i*) and (*ii*) Yes.

(*iii*) A grant-in-aid is paid to a school after the Departmental Inspecting Officer has certified that the school can satisfy the conditions of grant-in-aid. Money is drawn from Treasury by Secretaries of schools on monthly bills passed and countersigned by the Inspecting Officers.

(*iv*) No.

(*d*) On the basis of the number of eligible schools in each division.

Statement referred to in the reply to clause (a) of starred question No. 73.

(1) The grant should be applied, so far as boys' schools are concerned, mainly to the improvement of the high schools, a maximum of 20 per cent. of the grant made to each division being permitted to be spent on middle schools.

(2) With a view to ensuring a reasonable scale of pay in high schools, the minimum sanctioned scale for an aided school of Rs.540 (for 11 teachers laid down in 1925) should be retained and insisted upon.

(3) A reasonable part of the grant, which need not be rigidly fixed, as circumstances vary in each division, should be directed towards improving conditions in schools inadequately aided at present.

(4) Part of the grant, which need not be rigidly fixed, as circumstances vary in different divisions, should be used to bring on to the aided list schools which are doing good work, and are prepared by raising fees, or in any other manner, to realise a considerable increase in revenue in return for a grant.

(5) No grant existing or new should be given to a high school whose scale of fees does not conform at least to the following scale:—

	Rs.	a.
1st and 2nd class	3	0
3rd and 4th class	2	8
5th and 6th class	2	0
7th and 8th class	1	8

Schools prepared to increase their fees beyond this rate should be liberally aided.

(6) No aid shall be given to any school unless its permanency is assured and necessary.

(7) No grant shall be given to any school which has not at least 150 pupils on the roll.

(8) No grant to a high school shall be less than Rs.100 per mensem.

(9) When aid is given to middle schools the following conditions shall be enforced:—

(*a*) a roll number of 100;

(*b*) the minimum monthly grant should be Rs.50 and the maximum Rs.80;

(*c*) the following minimum fee rates should be charged:—

	Rs.	a.
Class VI	2	0
Class V	1	12
Class IV	1	8
Class III	1	0
Class II	0	12
Class I	0	8

(*d*) a minimum sanctioned scale of Rs.150 should be insisted upon, the minimum to be raised by Inspectors when circumstances justify such increase.

(10) Schools of any nature which are prepared to raise additional revenue by raising fees in return for a grant-in-aid should be permitted to include in the sanctioned scale a sum to be placed monthly to reserve

for any purpose approved by the Inspector, e.g., building fund, or the creation of a reserve fund; always provided that the Inspector is satisfied that the scale of salaries which exists in the school is in the circumstances reasonable.

(11) In distributing grants Inspectors shall reserve such sum as they may find necessary to help aided schools to pay the allowances of teachers deputed for training.

(12) In distributing the grant to girls' schools, Inspectresses shall make an attempt to raise fees where they are unduly low and shall to such extent as is possible give preference to schools which are prepared in return for a grant to raise additional revenue with a view to the improvement of the pay and prospects of the teachers in such schools.

(13) The grant shall be allotted as follows:—

		Rs.
(1) Inspectress, Dacca Circle	...	9,700
(2) Inspectress, Presidency and Burdwan Divisions	...	8,000
(3) Inspector, Presidency Division	...	29,000
(4) Inspector, Burdwan Division	...	23,900
(5) Inspector, Dacca Division	...	30,100
(6) Inspector, Rajshahi Division	...	25,300
(7) Inspector, Chittagong Division	...	21,000
(8) Dacca Board (in reserve for the Girls' School)	...	3,000
Total	...	1,50,000

Statement referred to in the reply to clause (b) of starred question No. 73.

The total amount of grants-in-aid disbursed in 1939-40.	The total number of schools in receipt of Government aid.	The names of schools which got the highest and lowest amount of monthly grant in the last year.	The rate of monthly grants to such schools.
(i) Rs. 15,42,520, viz.—	(ii) 907—	(iii) and (iv) Amount of grant received during 1939-40—	
Rs. Boys .. 11,35,520 Girls .. 4,07,000	H. E. .. 542 M. E. .. 365	(a) Binapani Purdah H. E. School for Girls (Calcutta).	Rs. 13,320 per annum. or 1,110 per month.
		(b) Patirampur M. E. School (Dinajpur).	180 per annum. or 15 per month.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state with reference to answer (*b*) (*iii*) and (*iv*) at page 7, where it is noted that the highest amount paid was to the Binapani Purdah School, Rs. 1,110 per month, and the lowest to the Patirampur School, Rs. 15 per month, what is the highest amount paid to a boys' school?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Acute distress in Satkhira subdivision.

***74. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that distress is prevailing in some parts of Satkhira subdivision in the district of Khulna—particularly in Shyamnagar police-station and Kaliganj police-station;

(*ii*) that the Test Relief work which was going on in Shyamnagar police-station for some time past has been stopped;

(*iii*) that no Test Relief work was started in Ashashuni police-station;

(*iv*) that distress prevails also in Ashashuni police-station; and

(*v*) that the distress in those areas has increased and will be increasing till the next harvest time in November?

(*b*) Will the Hon'ble Minister be pleased to state the amount spent up to date in Test Relief work in the affected areas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes, but in certain parts of Shyamnagar and Kaliganj police-stations only.

(*ii*) Yes, due to early setting in of the monsoon.

(*iii*) Test work was started but it did not attract a sufficient number of labourers.

(*iv*) Yes.

(*v*) No. That is not likely.

(*b*) Rs.4,000.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*a*) (*ii*) will the Hon'ble Minister please state what other method does the Government contemplate to alleviate the distress of the people of Shamnagar and Kaliganj thanas?

The Hon'blee Sir BIJOY PRASAD SINGH ROY: Sir, that question does not arise.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state with reference to answer (*a*) (*iii*) where it is stated that test work was started but did not attract a sufficient number of labourers—whether Government satisfied themselves that acute distress prevailed there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, whenever Government sanction any amount for test relief work they do usually satisfy themselves.

Mr. ATUL CHANDRA SEN: If so, is the Hon'ble Minister in a position to say why that test relief work did not attract the labourers there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Well, that is more than I can say.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state whether Government have taken any preventive measures?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, recently I had an opportunity of discussing the whole question of prevention of flooding of some of the areas in these two thanas with the local representatives and certain steps have been taken.

Mr. ATUL KRISHNA GHOSE: But what are the steps that have been taken?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A survey is going to be made to find out which are the areas that are usually liable to flood and how the embankments can be repaired and who should bear the cost of the repairs and what should be the agency for repairing the embankments and so on and so forth.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister please state what was the nature of the test relief work that was started?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state the number of people involved to whom this test work was given amounting to Rs. 4,000?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: It arises, Sir, as it refers to the number of people whom the Hon'ble Minister says, the test relief work did not attract.

Mr. SPEAKER: But he says that it did not attract.

Mr. SIBNATH BANERJEE: No, no, Sir, I am speaking of (*b*). How many people have got that sum?

Mr. SPEAKER: I am afraid that question does not arise.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*a*) (*ii*), where it is said "yes, due to early setting in of the monsoon", I put a supplementary question: what other methods does Government contemplate to relieve the distressed people there? The reply was "the question does not arise". He says that the distress is there and that relief work was going on there but that it was stopped on account of the monsoon. It does not mean that, with the monsoon setting in, the distress went away. I shall again put this question to the Hon'ble Minister: what other methods does Government contemplate to give relief to the distressed people of Ashashuni and Kaliganj?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With the setting in of monsoon, people get sufficient work on the fields, and naturally it was not necessary to continue the test relief work. That is one of the reasons why it did not attract a sufficient number of people.

Mr. SYED JALALUDDIN HASHEMY: Sir, in one of the answers he has said, that on account of *golmal* in the *bund*, it was flooded. How is it possible to have work in the field which is flooded now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not flooded at the very beginning of the monsoon; it gets flooded late in the monsoon season.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*) (*i*), the total quantity of land involved in this area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*) about the allotment of Rs. 4,000, will the Hon'ble Minister be pleased to state how many distressed people were employed and what was the amount up till now spent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Rs. 4,000 has been spent. That is the answer.

Mr. ATUL KRISHNA GHOSE: How many people were employed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what was the amount of the daily wages of the test relief worker?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Service ratio in Mymensingh Collectorate.

*75. **Mr. AMRITA LAL MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the Mymensingh Collectorate—

(*i*) the present number of posts—

(1) in the upper division, and

(2) in the lower division;

(*ii*) the number of them held by—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes; and

(*iii*) the pay at present drawn by each of them?

(*b*) Will the Hon'ble Minister be pleased to state whether the prescribed communal ratio is observed in the case of appointment of the ministerial staff of the district since the fixation of that ratio?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement furnishing the information is laid on the table.

(*b*) Yes.

Statement referred to in the reply to clause (a) of starred question No. 75.

Muslims.		Caste Hindus.		Scheduled Castes.	
Number.	Pay.	Number.	Pay.	Number.	Pay.
		UPPER DIVISION.			
	Rs.		Rs.		Rs.
		1	275		
1	150	1	175		
2	100	1	112		
2	92	1	108		
1	88	2	100		
1	84	2	96		
1	80	2	92		
		2	80		
8		12			
		LOWER DIVISION.			
8	80	4	80	1	68
2	77	5	77	2	52
5	74	3	74	1	40
5	71	3	71		
5	66	3	68		
2	64	7	66		
2	62	4	64		
2	60	8	62		
5	54	4	60		
4	52	1	58		
5	48	5	56		
8	44	3	54		
7	40	5	52		
		5	48		
		17	44		
		5	40		
60		82		4	
		SUB-GRADE.			
11	35	5	35	5	35

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state how many clerks have been appointed in the year 1939-40 in the Collectorate of Mymensingh?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state how many clerks have been appointed from the Scheduled Castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not know how many clerks have been appointed; in fact I cannot give that answer offhand. But I can assure the honourable member that in making these appointments, Government are following strictly the communal ratio rules.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that in the recruitment for the Collectorate for the year 1939-40, the service ratio has not been observed in the case of Scheduled Castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think so, Sir.

Admission of students into Government Veterinary College, Calcutta.

***76. Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Veterinary) Department be pleased to state how admission of students into the Government Veterinary College, Calcutta, is made?

(*b*) Is there any committee appointed by Government for selecting students for admission into the College?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of the members of the Committee last formed?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the—

(1) names,

(2) age,

(3) general educational qualifications, and

(4) home districts,

of the students admitted this year into the College?

(*e*) How many applications for admission into the College were received from candidates belonging to the Rajshahi district?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The admission is made by selection by the Principal.

(*b*) No.

(*c*) Does not arise.

(*d*) A statement is laid on the table.

(*e*) Four.

Statement referred to in the reply to clause (d) of starred question No. 76.

Serial No.	Name.	Caste.	Age.		General educational qualifications.	Home district.
			Y.	m.		
1	Bryan Humphrey Jackson ..	Anglo-Indian ..	19	3	Matric. ..	Calcutta.
2	Joseph Clement Thomas De'Cruz ..	Do. ..	20	4	I.A. ..	Do.
3	Sushil Kumar Sen Gupta ..	Hindu ..	18	6	Matric. (read up to I.Sc.).	Dacca.
4	Rabindra Nath Sen Gupta ..	Do. ..	18	2	Matric. ..	Malda.
5	John Hamilton Williams ..	Christian ..	20	0	I.Sc. ..	United Provinces.
6	Govind Kishore Gupta ..	Hindu ..	24	0	Read up to 3rd year B.Sc.	Do.
7	Wajahat Ali Kidwai ..	Muslim ..	21	7	Matric. ..	Do.
8	Sombhu Dayal Singh ..	Hindu ..	20	5	I.Sc. ..	Do.
9	Ram Gopal Mehrotra ..	Do. ..	20	0	I.Sc. ..	Do.
10	Lal Mani Dwivedi ..	Do. ..	23	7	I.A. ..	Do.
11	Jeet Narayan Singh ..	Do. ..	21	0	I.Sc. ..	Do.
12	Ghulam Hossain Chowdhury ..	Muslim ..	19	2	Matric. ..	Pabna.
13	Sudhendra Nath Kundu ..	Hindu ..	18	3	Matric. (read up to I.Sc.).	Rajshahi.
14	Monzur Ahmed ..	Muslim ..	19	3	Matric. ..	Pabna.
15	Naresh Chandra Deb ..	Hindu ..	18	1	I.Sc. ..	Mymensingh.
16	Ajit Kumar Sen Gupta ..	Do. ..	20	2	Matric. (read up to 1st year I.A.).	Jessore.
17	Mohamad Abdulla ..	Muslim ..	18	2	Matric. ..	Pabna.
18	Ganesh Charan Bose ..	Hindu ..	21	9	I.Sc. ..	Calcutta.
19	Sambhu Nath Chatterjee ..	Do. ..	18	10	I.Sc. ..	Barisal.

Serial No.	Name.	Caste.	Age.		General educational qualifications.	Home district.
			Y.	m.		
20	Sushil Chandra Laha ..	Backward and Minority Community.	20	4	Matric. ..	Bogra.
21	Bimal Bhusan Roy ..	Scheduled Caste ..	20	2	Non-Matric. ..	Mymensingh.
22	Kartick Chandra Mukherjee ..	Hindu ..	19	4	Matric. ..	Murshidabad.
23	Dhirendra Chandra Das ..	Scheduled Caste ..	19	6	Matric. ..	Dacca.
24	Md. Amirullah ..	Muslim ..	18	1	Matric. ..	Noakhali.
25	Ananga Kumar Chakravarty ..	Hindu ..	21	2	Matric. ..	Khulna.
26	Zahurul Qayyam Chowdhury ..	Muslim ..	19	4	Matric. ..	Tippera.
27	Sunil Krishna Mukherjee ..	Hindu ..	19	4	I.A. ..	Nadia.
28	Md. Wazed Ali ..	Muslim ..	18	6	Matric. (read up to I.Sc.).	Pabna.
29	Md. Faid Hossain ..	Do. ..	22	8	Matric. (completed I.Sc. course).	Dacca.
30	Abdul Hasan ..	Do. ..	21	0	Matric. (read up to I.A.).	Malda.
31	Shah Md. Abdul Hafiz ..	Do. ..	21	1	I.A. ..	Rangpur.
32	Kazi Abu Taher Md. Siddiqui ..	Do. ..	19	3	Matric. ..	Tippera.
33	Arifa Rahman ..	Do. ..	24	2	Matric. (passed Dacca Medical School).	Do.
34	Md. Ziauddin ..	Do. ..	18	10	Matric. ..	Mymensingh.
35	Durga Das Chakravarty ..	Hindu ..	19	0	I.A. (read up to 3rd year B.A.).	Khulna.
36	Md. Abu Baker ..	Muslim ..	20	6	Matric. ..	Birbhum.

37	Bijoy Singha Jana ..	Scheduled Caste ..	21	3	Matric. (I.Sc. standard.)	Midnapore.
38	Keramuddin Ahmed ..	Muslim ..	21	8	I.Sc. ..	Jessore.
39	Md. Abdul Momin ..	Do. ..	18	8	I.Sc. ..	Mymensingh.
40	Tapan Kumar Mukherjee ..	Hindu ..	19	1	Matric. (read up to I.Sc.).	Burdwan.
41	Baidya Nath Neogi ..	Do. ..	19	9	Matric. ..	Calcutta.
42	Md. Hashem Shariff ..	Muslim ..	18	1	Matric. ..	Chittagong.
43	Azizur Rahman ..	Do. ..	20	1	I.A. ..	Assam.
44	Mobtada Uddin Choudhury ..	Muslim ..	18	5	Matric. ..	Do.
45	Probhat Kumar Pal ..	Brahmo ..	18	6	Matric. ..	Do.
46	Manick Kumar Das ..	Hindu ..	20	6	Matric. ..	Do.
47	Udaya Chandra Brahmo ..	Do. ..	20	11	Matric. ..	Do.
48	Md. Samad Ali ..	Muslim ..	20	3	I.A. ..	Do.
49	Daudal Haque ..	Do. ..	21	5	Matric. ..	Do.
50	Abdar Rauf Mia Laskar ..	Do. ..	20	3	I.A. ..	Do.
51	Jnanendra Malla Bujarbaruah ..	Hindu ..	18	9	Matric. ..	Do.
52	Rabindra Nath Hazarika ..	Do. ..	21	8	I.A. ..	Assam.
53	Abdus Sattar Wasif Ally ..	Muslim ..	21	1	Matric. ..	Barisal.
54	Mustaquar Rahman Nizam ..	Do. ..	18	3	Matric. ..	Chittagong.
55	Biraj Mohan Roy Chowdhury ..	Hindu ..	22	4	Matric. ..	Noakhali.
56	Amal Krishna Chowdhury ..	Scheduled Caste ..	18	1	Matric. ..	Faridpur.
57	Md. Saifur Rahman ..	Muslim ..	18	3	I.Sc. ..	Nadia.
58	Ratneshar Mondal ..	Scheduled Caste ..	19	5	Matric. ..	Faridpur.
59	Ram Lal ..	Hindu ..	21	1	Matric. ..	United Provinces.
60	Khurshed Ahmed ..	Muslim ..	19	3	Matric. ..	Noakhali.
61	Brojendra Nath Haldar ..	Scheduled Caste ..	24	6	Matric. ..	Jessore.
62	Abdur Rahman Bhuiyan ..	Muslim ..	21	5	I.A. ..	Tippera.
63	Kapi Sharan Singh ..	Hindu ..	22	6	I.Sc. ..	Khairagarh.
64	Abdur Rahman ..	Muslim ..	23	7	Matric. (appeared I.A.).	Murshidabad.
65	Hari Prasad Moktan ..	Hill Tribe ..	22	0	Matric. ..	Darjeeling.
66	Moqsud Ahmed ..	Muslim ..	23	4	Matric. ..	Noakhali.

Expenditure for the Revenue Commission.

*77. **Maulvi MD. ISRAIL:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) the total cost incurred for the Revenue Commission; and

(b) the cost incurred by the Commission in visiting different provinces of India (to be shown separately, province by province)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) The total cost (up to the end of May, 1940) was Rs.2,28,406.

		Rs.	a.
(b) Madras	...	3,827	8
Punjab and United Provinces	...	7,304	14
Total	...	11,132	6

[As Punjab and United Provinces tours were not separately made and as the travelling allowance for both the tours was claimed and paid on the same Bill, no separate figures can be furnished for them.]

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state with reference to answer (a) whether the amount includes the cost of printing the report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any amount was spent after the final report was signed by the Commission, and, if so, what was the amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. SURENDRA NATH BISWAS: Is it a fact that two members of the Commission were paid allowances after the report was signed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If they were getting allowances, they were getting allowances according to the rules and according to the terms of their appointment.

Mr. SURENDRA NATH BISWAS: He does not answer my question directly, Sir. He says "according to the rules and according to the terms of their appointments". Will the Hon'ble Minister be pleased to state what was the rate of daily allowances that the members got in the Punjab and the United Provinces?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: He has given the amount and I want to know——

Mr. SPEAKER: I am sorry.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten the House as to what was the total amount of the salaries and what was the total amount of allowances paid under two separate heads?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot answer that question off-hand, but it will be answered in connection with another question that has been put by some other honourable member.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what was the budgeted amount for this Commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether the cost incurred by the Commission in visiting different provinces includes the travelling allowances given to members of the Commission? If so, what was the rate of the travelling allowance given?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The total expenditure for visits to three provinces is mentioned here.

Mr. SURENDRA NATH BISWAS: I want to know whether that cost includes the travelling allowances given to members of the Commission: if so, what was the rate of the travelling allowance given?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I know what is meant by travelling allowance ?

Mr. SURENDRA NATH BISWAS: I am sorry, I mean daily allowance.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That question does not arise.

Mr. SURENDRA NATH BISWAS: It certainly arises. It seems to us that the cost should have been very heavy. We are enquiring now whether this sum includes the daily allowance or does not include the daily allowance.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The honourable member is referring to question (*b*). The question (*b*) relates to the cost incurred by the Commission in visiting different provinces of India to be shown separately province by province. The answer is given here. How does the question of daily allowance arise out of that? Daily allowance is not one of the ietms of the cost incurred in visiting different provinces.

Mr. SURENDRA NATH BISWAS: We are aware of the number of days in which these gentlemen were in those provinces. So far as this figure is concerned, it seems to be very small bearing in mind the amount of the daily allowance that should have been drawn by them.

Mr. SPEAKER: How does that question arise?

Mr. SURENDRA NATH BISWAS: He has given the total amount. I am only trying to ascertain whether that is the final figure or whether he will again include some cost incurred in connection with the daily allowance?

Mr. SPEAKER: You may ask that question.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the amount of Rs. 3,827-8 includes the cost incurred by Government regarding daily allowance given to members in different provinces and, if so what was the rate of the daily allowance?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, from the reply it is clear that it does not include the daily allowance.

Dr. NALINAKSHA SANYAL: Before you pass on to the next question, may I have your indulgence to put a few questions with reference to starred question No. 71 as I was held up at a departmental conference with the Railway Board members?

Mr. SPEAKER: I have my sympathy with you, but I am afraid I cannot allow you to put questions.

Dr. NALINAKSHA SANYAL: I would not take up much time. I want to ask just two supplementary questions if the Hon'ble Minister has no objection.

Mr. SPEAKER: On principle I cannot allow it. I am sorry.

UNSTARRED QUESTION

(answer to which was laid on the table)

Allegations against Debt Settlement Board, Narail police-station.

40. Mr. A. M. A. ZAMAN: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state how the members and clerks of the Debt Settlement Board were appointed in Narail police-station (Jessore) in 1938, 1939 and up to June, 1940, with their names, qualifications, and their knowledge for the particular type of work they are expected to perform?

(*b*) Are the Government considering the desirability of making an inquiry into the matter with a view to appointing qualified men available for the posts?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A statement is laid on the Library table.

(*b*) No.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what is exactly meant by the word "educated" in column headed "qualifications"? My difficulty is this. I find B.A. plucked, I.A. plucked, Matric plucked and also it is said educated. Does it mean less than under-Matric?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what is exactly meant by the qualification "sincere"? Sincere supporters of Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sincere workers so far as Debt Settlement Board work is concerned.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state why in the list of qualifications it is not shown whether a member is a peasant or a landlord or something else?

Mr. SPEAKER: Being peasant is not a qualification. (Laughter.)

Mr. SIBNATH BANERJEE: Peasants are intelligent people, and therefore to be a peasant is a qualification. In the statement we find against qualifications the words "educated", "sincere", "upright" and "honest".

Mr. SPEAKER: Very interesting qualifications no doubt! May I have a list?

(A statement was handed over to the Hon'ble Speaker.)

Dr. NALINAKSHA SANYAL: Is it because the Hon'ble Minister was ashamed of laying bare these qualifications that he wanted to keep it on the library table and not have it laid on the table here? (Laughter.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I can assure the House that in choosing the members we see that we have proper representatives of the debtors and creditors. The remarks column will show that we have members who enjoy the greatest amount of public confidence in the locality.

Mr. SPEAKER: But when you find "sober" against a man's qualifications you have to think twice.

Mr. NIKUNJA BEHARI MAITI: May I request the Hon'ble Minister to have the statement laid on the table here instead of on the Library table, so that we may know the position?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I don't mind it being laid here. The only thing is that there are several sheets of paper in the statement, and if the Assembly Department can manage to have them all printed, I have no objection.

Mr. NIKUNJA BEHARI MAITI: In view of the fact that the statement is not so long, may I request the Hon'ble Minister to have it kept on the tables here?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if those persons against whom the remarks "honest" and "sincere" do not appear do not possess those qualifications? There are several persons against whom remarks like "sincere" and "honest" have been noted. The others are evidently not so qualified.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The remarks column will show that there are certain reasons why such remarks are noted.

Dr. NALINAKSHA SANYAL: The remarks column does not show, for instance, against Surendra Nath Biswas whether he is honest and sincere.

Mr. SPEAKER: "Do you mean to say that because the remark 'sober' does not appear against any person, he is not sober?" that is what his question is? (Laughter.)

Dr. NALINAKSHA SANYAL: Evidently not. (Renewed laughter.)

Will the Hon'ble Minister please hold back the reply to this question and give us a more complete reply in future?

(No reply.)

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if a member of the board is a member of the Scheduled Caste community, are we to understand that he is a sincere worker?

Mr. SPEAKER: That question does not arise.

Point of Information.

Dr. NALINAKSHA SANYAL: May we know, Sir, what you have decided with regard to the placing of questions? I was submitting another thing, Sir. You promised the other day that you would consider the possibility of laying questions early on the Library table. If you did that, I would not have apparently missed my starred question No. 71, which was a very important question.

Mr. SPEAKER: The Librarian, who is in charge, had a bad accident, and we are now working with four men short.

Dr. NALINAKSHA SANYAL: They may be left on the Library table.

Mr. SPEAKER: But there must be somebody in charge.

Dr. NALINAKSHA SANYAL: There are other people in the Library.

Point of Privilege.

Mr. SIBNATH BANERJEE: On a point of privilege, Sir. If an Hon'ble Minister is not present, it is possible to hold back the questions relating to his department when the time comes for taking up those questions. Is it not possible to show similar consideration and hold back the questions of an honourable member when he is not present in the House?

Mr. SPEAKER: If a point had been taken, I would have certainly allowed it. I think it is only fair that honourable members should get an opportunity, and I shall always consider such cases if honourable members so desire.

Committee on Petitions.

Mr. SPEAKER: Before we pass on to the next item, there is just one thing I should like to observe. In consultation with the leaders of different parties I have decided that the Committee on Petitions will be composed of the same members as in the last session.

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1939, by Khan Bahadur Rezzaqui Haider Chowdhury, M.L.C., as passed by the Bengal Legislative Council.

Mr. SPEAKER: Mr. Dhirendra Nath Dutta, will you please move your motion?

Mr. JOGESH CHANDRA GUPTA: Sir, Mr. Surendra Mohan Moitra will speak instead of Mr. Dutta.

Mr. SPEAKER: All right.

Mr. SURENDRA MOHAN MOITRA: Mr. Speaker, Sir, I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, 1939, as passed by the Bengal Legislative Council, be taken into consideration.

The motion was then put and agreed to.

Clauses 1 and 2.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 1, line——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. What is the position? We had a motion for consideration which was voted on and adopted by the House, and so the next stage will be "passing."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How can that be without considering the amendments?

Dr. NALINAKSHA SANYAL: The next question will be the taking up of the Bill clause by clause.

Mr. SPEAKER: That is what we are doing.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 1, line 2, for the figures "1939" the figures "1940" be substituted.

Mr. SURENDRA MOHAN MOITRA: Sir, I do not oppose it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I move my next amendment, namely, that in clause 2, in the proposed proviso to section 5, line 4, for the figures "1939" the figures "1940" be substituted.

The motions of the Hon'ble Sir Bijoy Prasad Singh Roy were then put and agreed to.

The question that clauses 1 and 2, as amended, stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in the amendment there is some drafting mistake——

Mr. SPEAKER: But it has been circulated.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 4, for sub-section (*6*) of the proposed section 6A, the following be substituted, namely:—

"(*6*) If in the case of a sale according to sub-section (*5*) the highest offer for the share or portion offered for sale is not equal to the amount of arrears of rent for which it was advertised for sale and the subsequent arrears of rent due thereon up to the date of sale, the sale shall be stopped and a notice that the entire *patni taluk* shall be put up for sale for such arrears shall be sent to all co-sharers of the tenant in such manner as may be prescribed by rules to be made by the Provincial Government.

On the twenty-first day from the service of notice on the co-sharers of the tenant, the entire *patni taluk* shall be put up for sale for the arrears, unless any other co-sharer of the tenant shall, within fifteen days, have purchased the share or portion in arrear by paying the whole of the arrears of rent for which it was advertised for sale and the subsequent arrears of rent due thereon or the tenant pays up the whole of such arrears within the said fifteen days:

Provided that, if a zamindar omits to avail himself of the means provided by this Regulation for realisation of any arrears of rent due in respect of a share or a portion of a *patni taluk*, he shall not be entitled to put up for sale under this Regulation the entire *patni taluk* for recovery of such arrears."

Sir, this amendment is based on section 14 of the Revenue Sales Act and the proposal in the Bill is to confer on the co-sharer *patnidars* the right to split up the rent. Now, if by putting up a portion of the——

Mr. SURENDRA MOHAN MOITRA: Sir, we accept the amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, if the House is convinced, then I would not waste its time.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy was then put and agreed to.

The question that clause 4, as amended, stand part of the Bill, was then put and agreed to.

Clauses 5, 6, 7 and 8.

The question that clauses 5, 6, 7 and 8 stand part of the Bill, was then put and agreed to.

Clause 9.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 9(*a*), lines 2-3, for the words "up to the date of sale," the words "up to the date of deposit" be substituted.

Mr. SURENDRA MOHAN MOITRA: Sir, we accept this amendment.

The motion was then put and agreed to.

The question that clause 9, as amended, stand part of the Bill, was then put and agreed to.

Clause 10.

The question that clause 10 stand part of the Bill, was then put and agreed to.

Clause 11.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 11, in proposed section 17A, line 6, for the figures "1939" the figures "1940" be substituted.

Mr. SURENDRA MOHAN MOITRA: Sir, we accept it.

The motion was then put and agreed to.

The question that clause 11, as amended, stand part of the Bill, was then put and agreed to.

Preamble.

The question that the preamble stand part of the Bill, was then put and agreed to.

Mr. SURENDRA MOHAN MOITRA: Sir, I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, 1940, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi ABDUL HAKIM: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister-in-charge of the Revenue Department,
(2) Mr. Sarat Chandra Bose,
(3) Mr. Jatindra Nath Basu,
(4) Mr. C. Millar,
(5) Mr. M. Shamsuddin Ahmed,
(6) Maulvi Ahmed Hossain,
(7) Maulvi Abdul Latif Biswas,
(8) Maulvi Muhammad Israil,
(9) Khan Bahadur Maulvi Hashem Ali Khan,
(10) Mr. Sibnath Banerjee,
(11) Mr. Haripada Chattopadhyay,
(12) Mr. Rasik Lal Biswas,
(13) Maulvi Abdul Hamid Shah,
(14) Maulvi Rajibuddin Tarafdar,
(15) Maulvi Idris Ahmed Mia, and
(16) the mover,

with instructions to submit their report by the 31st October, 1940, the number of members forming the quorum being five.

Mr. SPEAKER: Did you get the consent of these members till yesterday? I will have to be rigid in this matter. I cannot allow the Assembly proceedings to be obstructed to find out whose consent has been obtained and whose not. You ought to be serious about it.

Dr. NALINAKSHA SANYAL: Sir, may we enquire if you have permitted the short-notice amendments that have been placed on our table to-day? If you have permitted these short-notice amendments by the Government Whip and Government members, it is only fair——

Mr. SPEAKER: I have not admitted them yet.

Now I will see whose consent has been received till yesterday and only the names of those whose consent has been received will be put in. We have to be rigid in this matter.

I am telling you that office proceedings cannot be disturbed in this way. Papers must be prepared beforehand. As there was some difficulty this time I am prepared to accept it to-day as a special case. In future unless the consent papers are received a clear day before the meeting, they won't be accepted.

Maulvi ABDUL HAKIM: Mr. Speaker Sir, আমাদের বাংলা দেশটা একটা কৃষি প্রধান দেশ। এখানে ৫ কোটি লোক বাস করে, তার মধ্যে ৪ কোটি লোকই কৃষক তারা চাষ করিয়া জীবিকা নির্ব্বাহ করে। কাজেই এই দেশকে চাষীর দেশ বলিলেই ভাল হয়। চাষী ছাড়া আর যাঁহারা আছেন, তাঁহারাও চাষীদের উপার্জ্জন ভোগ করিয়া থাকেন। প্রকৃত প্রস্তাবে চাষী ছাড়া যাঁরা—যেমন জমিদার, তালুকদার, প্রভৃতি বড় লোক—তাঁহারাও চাষীদের উপরই নির্ভরশীল, সুতরাং তাঁহাদিগকে চাষীদের পরগাছা বলিলে দোষ হয় না। এই চাষীদের জন্য যা করা দরকার সে সম্বন্ধে আসল কাজ কিছুই হোচ্ছে না। চাষীদের প্রধান কাজ rent reduction, সেটার কিছুই হোচ্ছে না। চাষীদের খাজনা এতই বাড়িয়াছে যে তারা আর এ খাজনা চালাতে পারছে না। বিগত কয়েক বৎসরের মধ্যে বাকি খাজনার দায়ে পড়িয়া বহু লোক—লক্ষ লক্ষ লোক—জমিশূন্য হইয়া আসামের নিবিড় জঙ্গলে গিয়া আশ্রয় লইয়াছে। অদূর ভবিষ্যতে যদি অত্যধিক খাজনা কমান না যায় তাহা হইলে বাংলার আরো লক্ষ লক্ষ লোক যে জমিহীন হইয়া যাইবে তাহাতে আর সন্দেহ নাই। খাজনা যে রকম রেটে বাড়িয়াছে তাহা শুনলে অনেকের চক্ষু তালুতে উঠিবে। Rent enquiry Committeeর member হিসাবে—আমি ময়মনসিংহ ফরিদপুর ও হাবড়া এই কয়টি জেলায় ঘুরিয়াছি। ময়মনসিংহের অনেক জায়গায় নিরিখ বাড়িয়া ১৬৲ টাকা পর্য্যন্ত প্রতি একরে হইয়াছে।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, May I draw the attention of the honourable member to the fact that the proceedings of the Rent Enquiry Committee are confidential and cannot be referred to?

Maulvi ABDUL HAKIM: ময়মনসিংহের কোন কোন জমিদার বাকি খাজনার নালিশ করিয়া বহু জমি খাস খামারে আনিয়াছেন। এই এসেম্বিলির মেম্বর ময়মনসিংহের মহরাজা শশীকান্ত আচার্য্য বাহাদুর যদিও আমার মনিব, কিন্তু সেই খাতিরে—আমি সত্যের অপলাপ কোরিতে পারি না। তিনি বাকি খাজানার জমি নিলাম করাইয়া ৩।৪টা খামার কোরেছেন। এবং এই খামারের জমি আবাদ করার জন্য ২৬ হাজার টাকায় একটা কলের লাঙ্গল নিয়েছেন। সেই সকল প্রজার যে কি দুর্দ্দশা হোয়েছে তাহা ভাষায় বর্ণনা করা যায়না। ফরিদপুরের নিরিখ দেখেছি। (Mr. ABU HOSAIN SARKAR: কি দেখেছেন?) ফরিদপুরে আমি ১০।১২৲ টাকা নিরিখ দেখেছি। তারপর হাবড়ায় গিয়ে যা দেখেছি তাতে আমরা সকলেই astonished না হোয়ে পারি নাই, সেখানকার কাগজপত্র দেখিয়া জানিতে পেরেছি ২৫৲ টাকায় ৫ বার উঠেছে

নিরিখ। হাওড়া জেলায় আমতা নামক একটা জায়গা আছে, নিরিখ সেখানে ৩০৲ টাকা পর্য্যন্ত উঠিয়াছে। বাস্তবিক এই যে, ২৫।৩০৲ টাকা খাজনার নিরিখ এটা একটা অস্বাভাবিক অবস্থা। এটা হলো আইনের নামে exploitation. হাবড়া জেলার এইরূপ হাড়ভাঙ্গা নিরিখের কথা শুনিয়া আমার প্রায় heart fail হইবার উপক্রম হইয়াছিল।

পূর্ব্বে কাউন্সিলে প্রজারা আসিতে পারিতো না, তখন গরীব প্রজাদের এত বেশী ভোটের ক্ষমতা (franchise) ছিল না। তখন জমিদাররাই কাউন্সিলে আসিতেন, তাঁরা তাদের সুবিধার জন্য আইন করিতেন। এখন যখন autonomous Assemblyতে প্রজার প্রতিনিধিই বেশী হইয়াছে। অতএব এখন প্রজার সুবিধা কেন হবে না বুঝিতে পারি না। কাজেই এই সুযোগে খাজনার নিরিখ কমান উচিত। কেন কমান উচিত তার কয়েকটা কারণ দেখাইতেছি। খাজনা জায়গায় জায়গায় এত বাড়িয়াছে যে তাহা প্রজাদের economic capacityর beyond-এ গিয়াছে। আর একটা কারণ হইতেছে এই যে Land Revenue Commission তদন্ত করিয়া জমিদারদের middleman সাব্যস্ত করিয়াছেন। যদিও তাঁরা পূর্ব্বে permanent settlement এর সময় proprietor বলিয়া সাব্যস্ত হইয়াছিলেন কিন্তু এখন অনুসন্ধানের ফলে দেখা যাইতেছে যে, তাঁরা কেবলমাত্র middleman. তাহারা যে হিসাবে সদর খাজনা দাখিল করেন তার উপর ন্যায়সঙ্গত মুনাফা রাখিয়া খাজনার নিরিখ ধার্য্য করা উচিত। আমাদের ময়মনসিংহের সদর খাজানার গড়পরতা রেট প্রতি একরে মাত্র তিন আনা দুই পাই কিন্তু তার জায়গায় প্রজার খাজনার রেট ১৬৲ টাকায় উঠেছে। সদর খাজনা জমিদাররা যখন অনেক কম দেন আর প্রজারা যখন এত বেশী দেবার ক্ষমতা রাখে না, তখন খাজানার নিরিখ কমানই উচিত।

Land Revenue Commissionএর রিপোর্টে থেকে দেখা যায় চিরস্থায়ী বন্দোবস্তের সময় থেকে এখন পর্য্যন্ত জমিদাররা শতকরা ১৬০ ভাগ খাজনা বাড়িয়েছেন। এটা হচেচ অস্বাভাবিক বৃদ্ধি। আর একটা কথা Land Commission স্পষ্ট করিয়া বলিয়াছেন—বাংলায় ধানের ফলন অন্যান্য প্রদেশ কিম্বা দেশ থেকে কম। Taxation সম্বন্ধে বলিয়াছেন একমাত্র বম্বে প্রদেশ ব্যতীত অন্যান্য প্রদেশের তুলনায় বাংলার প্রজারা ট্যাক্স দেয় বেশী, এবং বাংলার প্রজারা hopelessly indebted, আর তাদের অন্য কোন livelihood নাই। আর একটা কথা হোচেচ এই যে জমিদারদের দেয় খাজনা যখন চিরস্থায়ী, তখন প্রজার খাজনা ও কিছুতেই বৃদ্ধি হোতে পারে না। এ সম্বন্ধেও পূর্ব্বোক্ত কমিশনের কতিপয় সভ্য note of decent দিয়ে স্পষ্ট করিয়াই দেখাইয়াছেন।

আর একটা কথা হোচেচ এই যে জমিদাররা বাংলা দেশের জমির উন্নতির জন্য এ পর্য্যন্ত উল্লেখযোগ্য কোন কাজই করেন নাই (Mr. SURENDRA NATH BISWAS OF THE CONGRESS PARTY : তাঁরা শুধু বোসে বোসে খেয়েছেন।) সুতরাং তাদের খাজনা enhancement এর দাবি থাকতেই পারে না। প্রজাদের আর একটা অসুবিধা —১৯৪০ সন থেকে বাকি খাজনা debt settlement বোর্ডে যেতে পারবে না। এই

সমস্ত কারণের জন্য আমি বোলছি বাস্তবিকই খাজনার নিরিখ কমাইবার ব্যবস্থা করা সর্বাগ্রে কর্ত্তব্য।

যদিও Land Revenue Commission বাংলা দেশের প্রজাদের খাজনা অন্যান্য প্রদেশের প্রজাদের দেয় খাজনার তুলনায় কম বলিয়া উল্লেখ করিয়াছেন কিন্তু কয়েকজন মেম্বর তার প্রতিবাদ করিয়া দেখাইয়াছেন যে পূর্বোক্ত অভিমত যাঁহারা প্রকাশ করিয়াছেন তাঁহাদের সে অভিমত ভুল। কারণ অন্যান্য প্রদেশে irrigation এর ব্যবস্থা আছে। একমাত্র পাঞ্জাবে ৩৪ কোটি টাকা irrigationএ ব্যয় হইয়াছে। আর সেস্থলে বাংলায় ৪ কোটি কয়েক লক্ষ টাকা মাত্র দুই এক জেলায় ব্যয় করা হইয়াছে। বাংলা, বেহার আর উড়িষ্যা ছাড়া আর প্রায় সমস্ত প্রদেশেই irrigationএর ভাল ব্যবস্থা আছে। সেই irrigation এর ট্যাক্সও অন্যান্য ট্যাক্স খাজনার সঙ্গে ধরিয়া লইয়া অন্যান্য প্রদেশের তুলনায় বাংলার ভূমির খাজনা কম দেখা যায় বটে, কিন্তু যদি কেবল ভূমির খাজনা ধরা যায় তাহা হইলে দেখা যাইবে যে বাংলার খাজনা সব চেয়ে বেশী। কমিশনের কোন একজন বিশিষ্ট মেম্বর দেখাইয়াছেন যে পাঞ্জাবে বাস্তবিক পক্ষে ভূমির rent যেখানে মাত্র ১॥/০ আনা (irrigation ট্যাক্স বাদে) সেরূপ স্থলে বাংলার প্রজারা দেয় ৩।/০ আনা করিয়া। অতএব স্পষ্টই দেখা যাইতেছে তাহারা কত বেশী দেয়। এই রকম প্রত্যেক প্রদেশের সঙ্গে তুলনা করিয়া উক্ত মেম্বর তাহার নোট্ অফ্ ডিসেণ্টে দেখাইয়াছেন যে প্রকৃতপক্ষে মাটির খাজনা ধরিলে বাংলা দেশে খাজনার রেট সব চেয়ে বেশী। আর Land Revenue Commission একথাও বলিয়াছেন যে বাংলা দেশের কোন কোন জায়গায় খাজনার নিরিখ অত্যন্ত বেশী এবং সেই বেশী খাজনা কমাইবার ব্যবস্থা করা উচিত।

আমি এরূপ একটা বিষয় বলিতেছি এই যে ৩৮ বি ধারা আর ১১২ ধারা করিয়া দিয়া হাকিমদের উপর ভার দেওয়া হইয়াছে যে হাকিমরা ইচ্ছা করিলে অত্যধিক খাজনা কমাইতে পারেন কিন্তু আমাদের বাংলাদেশের হাকিমরা এরকম হাকিম নন যে তারা প্রজা ও খাতকের অনুকূলে কোন discretion use কোরবেন। গভর্ণমেণ্ট ১৯১৮ সনে আইন করিয়া বলিয়া ছিলেন যে সুদের ডিক্রি দিবার সময় হাকিমরা যেন কমিয়ে ডিক্রি দেন, কিন্তু কোন হাকিমই সে দিক দিয়া বড় কিছু করেন নাই। এক মাত্র exception হচ্ছেন মৌলবী সিরাজুল ইসলাম মুন্সেফ, তিনিই কেবল খাতকের অবস্থা বুঝিয়া ডিক্রী এবং কিস্তিবন্দি দিতেন।

Mr. SPEAKER : Order, order. I am very sorry that the Maulvi Sahib does not know the usual parliamentary manners in which this Legislature should not be made the occasion of making special mention of the name of a Government officer for his conduct.

Maulvi ABDUL HAKIM: আমি বোলতে চাই যদি তাই হোতো, তাহলে ১৯১৮ সনে যে Usurious Loans Act আইন পাশ করা হয়েছিল তাহা দ্বারাই খাতকরা প্রতিকার পাইত। এবং গভর্ণমেণ্ট আর নূতন কোরে খাতকদের জন্য আইন পাশ কোরতেন না। এই নূতন আইনের একটা হোয়েছে Agricultural Debtors

Act, তারপর আবার হোয়েছে Money-lenders Act. একটা আগে পাশ হোয়েছে; পরে আর একটা পাশ হয়েছে। সেই জন্য আমি বোলছি প্রজাস্বত্ব আইনের ৩৮ বি ধারা কিম্বা ১১২ ধারায় এই বাংলা দেশের প্রজারা কোন ফল পাবে না। বাংলা দেশের জমিদারদের বিরুদ্ধে উক্ত দুই ধারায় তারা কোন ফলই পাবে না। যদি তাই পেতো তাহলে বিহারের মন্ত্রীরা ঐ দুই ধারার কথাই বলিয়া দিতেন; কিন্তু তা না কোরে তাঁরা ১৯৩৭ সনে খাজনা কমাবার জন্য আইন কোরেছেন। নীলাম কোরে যে জমি জমিদাররা খাস কোরেছেন সে সব জমিও ফিরিয়ে দিতে বিহার গভর্ণমেণ্ট ১৯৩৮ সনে আইন কোরেছেন। বিহারের Congress Ministryকে আমি এ বিষয়ের জন্য প্রশংসা না করিয়া পারি না। কেননা তাঁরা রায়তদের জন্য সুন্দর সুন্দর আইন করিয়াছেন।

Mr. SURENDRA NATH BISWAS: May I, through you, Sir, put one question to the honourable member? Is he prepared to vote in favour of his own motion? If so, he may continue his speech, but, if not, then it is no use wasting the time of the House by further speech.

Maulvi ABDUL HAKIM : আমি আমার বিলের মধ্যে প্রধানতঃ এই প্রস্তাব কোরেছি যে সদর খাজনা যে মহলের যা আছে প্রজার খাজনা সে মহলে তার দেড় গুণের বেশী যেন না হয়। তারপর আমি এতে আর একটা প্রস্তাব কোরেছি যে কোর্ফা প্রজাদের কাছ থেকে যেন তাহাদের উপরিস্থ প্রজারা তাহাদের দেয় খাজানার উপর 50 per cent. এর বেশী মুনাফা না নিতে পারে। এই ভাবে যেন খাজনা সাব্যস্ত হয়। এইটা যদি হয় তাহোলে সমস্ত শিক্ষাকর ও রোড সেস্ প্রজারা নিজেরাই দেবে। জমিদাররা কেবল শতকরা ৫০৲ টাকা বা টাকায় আট আনা মুনাফা নিবেন সদর খাজনার উপর। আর এটা সত্য কথা যে সদর খাজনার উপর মাত্র শতকরা দশ টাকা মুনাফা নেওয়ার সর্ত্ত Permanent Settlement এর সময় জমিদারেরা গ্রহণ করিয়াছিলেন। জমিদারের নজর সেলামী এবং প্রিয়েমশন কিছু দিন পূর্ব্বেই উঠিয়া গিয়াছে, কাজেই ঐ সম্বন্ধে আমার বিলে কোন ব্যবস্থা করার দরকার নাই। আমার বিলে আরও কতিপয় ছোট খাট প্রস্তাব আছে। তাহা এখন বিস্তারিতভাবে না বলিলেও চলে। প্রজার খাজনা কমিলে পথকর ও শিক্ষাকর প্রভৃতি করও কমিয়া যাইবার সম্ভাবনা আছে। সেই জন্য পথকর ও শিক্ষাকর টাকা প্রতি না ধরিয়া একর প্রতি ধরিবার ব্যবস্থা আমার বিলে করা হইয়াছে।

আমি আশা করি আমার এই বিলটা গভর্ণমেণ্ট এবং আইন সভা সিলেক্ট কমিটিতে দেওয়ার প্রস্তাব গ্রহণ কোরবেন। যদি একান্তপক্ষেই গভর্ণমেণ্ট এটাকে পুনরায় সার্কুলেশনের জন্য দিবেন বলিয়া স্থির কোরে থাকেন তবে আমার বিশেষ অনুরোধ বেশী দিনের জন্য যেন সার্কুলেশনে দেওয়া না হয়। কেন না অযথা বিলম্বে বিলটার উদ্দেশ্য সিদ্ধ হবে না। কারণ এসেমব্লির আয়ু শেষ হইবার বেশী বিলম্ব নাই।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in view of the most convincing and compelling arguments of my friend, Maulvi Abdul Hakim, Government are prepared to change the date to 31st December, 1940, by a short notice amendment.

Dr. NALINAKSHA SANYAL: Sir, I have got to oppose this short-notice amendment, because we find that Government have never been so kind to any private Bill coming from the Opposition or from any independent member and we cannot understand why they should show any particular favour towards any Bill coming from their own party members.

I am prepared to concede this to Sir Bijoy if Sir Bijoy or Government extend facilities to this side and accept, let it be, even one Bill from this side and allow it to go to the Select Committee and not move any dilatory motions to elicit public opinion. It is scandalous that for more than two years members on this side of the House have been trying to put through Bills, Bills which are most reasonable and which are of great public importance, and yet they are thus being shelved, because Government do not apply their minds and do not care to examine them. We do not like to be treated in this fashion, Sir.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I strongly repudiate the insinuation of my honourable friend Dr. Sanyal. Only to-day at this sitting the House has passed a non-official Bill sponsored by a non-official member elsewhere and sponsored by a non-official member in this House. I am perfectly certain that this Bill would not have gone through this House without the help of Government.

Dr. NALINAKSHA SANYAL: It was moved by a Coalition Party member.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It was moved by Mr. Surendra Mohan Maitra who is not a Coalition member yet.

Dr. NALINAKSHA SANYAL: It was moved by Khan Bahadur Rezzaqul Haider Chowdhury, and it is a Benami Bill of Government themselves.

Mr. SPEAKER: There is a great flight of imagination there.

Dr. NALINAKSHA SANYAL: Government sometimes have their own party men put up for such purposes to avoid any trouble.

Mr. Khwaja SHAHABUDDIN: Sir, it is only a technical objection. As far as the Government are concerned, I have assured my friend, Mr. Gupta, that up till now we have not taken any technical objections about the date or notice or things like that, and I can assure him that in future also, we do not intend to take such technical objections. As this is a mere matter of formality, I am sure Mr. Gupta will agree.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? It is not a question of the Government Chief Whip assuring us not to take any such objection. It is a matter entirely for the Speaker to decide. I cannot understand how there can be any agreement with the Government Whip on such matters. I have found that there has not been a single instance of such a case in which the Opposition has claimed any special privilege or advantage.

Mr. SPEAKER: The point is about the change of date. There have been occasions in which both sides have agreed on the floor of the House not to take objections with regard to notices, and I have accepted those agreements. So, if both sides agree I can accept it in this case also.

Dr. NALINAKSHA SANYAL: Then, let them also give us this assurance——

Mr. SPEAKER: It is not for me. I have nothing to say about it.

Mr. ABDULLA-AL MAHMOOD: No, we won't give that assurance.

Dr. NALINAKSHA SANYAL: They don't agree, Sir. We must have corresponding assurance from the Whip of the Government. Let us have an assurance that Rai Harendra Nath Chaudhuri's Bill or Mr. Surendra Mohan Maitra's Bill or my Bill will be referred to a Select Committee. Then we shall agree.

Mr. SPEAKER: Order, order. Sir Bijoy, when was notice of this amendment given?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is only a suggestion made just now, and I say I am prepared to accept it.

Mr. SPEAKER: Some notice should have been given of that motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Shall I move the amendment, Sir?

Mr. SPEAKER: Yes, if there is agreement on both sides.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I appeal to my friends opposite not to be so very technical.

Dr. NALINAKSHA SANYAL: Heavens will not fall if the date is retained as it is in the notice already. Sir, the date is here as 31st July, 1941. The Hon'ble Minister proposes to move up to 31st December, 1940. There is hardly any difference except that you get one budget session only and I am sure that even then they will come forward with another dilatory motion, because they will not allow Mr. Abdul Hakim to have this kind of Bill passed. If that is the position I don't see any reason for accepting the proposal for changing the date.

Mr. NIHARENDU DUTTA MAZUMDAR: Cannot the Hon'ble Sir Bijoy give an assurance that similar consideration will be extended to members of the Opposition with a view to facilitate agreement if he is keen on such an agreement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I don't think Government have ever been unreasonable in such matters.

Mr. NIHARENDU DUTTA MAZUMDAR: The Opposition has never asked for any favours. It is only a question of even-handed treatment to both sides.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am prepared to give that assurance if that assurance will satisfy my honourable friends opposite.

Dr. NALINAKSHA SANYAL: We have three important Bills as specific cases, the Bill of Rai Harendra Nath Chaudhuri, the Bill of Mr. Surendra Mohan Maitra and my own Bill. Let us know the position now.

Mr. SPEAKER: You are discussing in a different plane. I am not concerned with the merits. At the moment I am only concerned with the technical objection with regard to date. If both sides will accommodate each other, then it will be all right.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope my honourable friends have understodod me. I am prepared to give an assurance that if they want to change any date or anything like that, Government will not certainly insist on technicalities.

Dr. NALINAKSHA SANYAL: I would also want another assurance, viz., that on the 31st of December, when this circulation period will be over, Government will not come forward with any further dilatory motion.

Mr. SPEAKER: I am afraid your study of politics has been in vain.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am moving it in the amended form, that the Bengal Tenancy (Amendment) Bill, 1937, be re-circulated for the purpose of eliciting opinion thereon by 31st December, 1940.

Mr. SYED HASAN ALI CHOWDHURY: We don't agree. You always say that there are only two sides in this House, but there is the third side.

Mr. SPEAKER: In these matters, I have always taken that the Opposition move together.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy, by way of amendment, that the Bengal Tenancy (Amendment) Bill, 1937, be re-circulated for the purpose of eliciting opinion thereon by the 31st December, 1940, was then put and a division taken.

(While the division bell was ringing, there were cries of "shame, shame" from the Opposition benches.)

Mr. SPEAKER: Order, order. It is most unparliamentary that at a time when the voting is going on and the members are going to exercise free discretion in the matter, there should be any cries of "shame" from any side.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? You said that free voting is going on. If so, would you mind asking Mr. Hakim to stand here at the centre and not be dragged to vote against his own motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: When the House is dividing, there cannot be any point of order at this stage.

Dr. NALINAKSHA SANYAL: Yes, that often happens in Parliament.

The Home divided with the following result :

AYES—78.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.

Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Ebdar, Mr. Upendranath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. C.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Moslem Ali Mollah, Maulvi.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mukherjee, Mr. Tarak Nath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Patiram.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Walker, Mr. W. A. M.
Zahur Ahmed Choudhury, Maulvi.

NOES—55.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Kahgendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

The Ayes being 78 and the Noes 55, the motion was agreed to.

The Bengal Marriage Dowry Prevention Bill, 1939.

Maulvi AFTAB HOSSAIN JOARDAR: Sir, I beg to move that the Bengal Marriage Dowry Prevention Bill, 1939, be referred to a Select Committee consisting of—

(1) the Hon'ble Minister-in-charge,
(2) Maulvi Moslem Ali Mollah,
(3) Maulvi Mofizuddin Chowdhury,
(4) Maulvi Moniruddin Akhand,
(5) Mr. Md. Barat Ali,
(6) Mr. Banku Behari Mondal,
(7) Mr. Rasik Lal Biswas,
(8) Mr. Md. Mohsin Ali,
(9) Mr. Surendra Nath Biswas,
(10) Mr. Atul Chandra Kumar,
(11) Maulvi Md. Mozammel Huq,
(12) Maulvi Rajibuddin Tarafdar.
(13) Khan Bahadur A. F. M. Abdur Rahman,
(14) Mr. Birat Chandra Mondal, and
(15) the mover,

with instructions to submit their report by the 30th November, 1940, the number of members forming the quorum being five.

Dr. NALINAKSHA SANYAL: Sir, this Bill should go to the Select Committee. This is an important Bill and it has created a great deal of public interest.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir,——

Dr. NALINAKSHA SANYAL: Sir, I think, he can now speak on the motion itself and not on his own amendment.

Mr. SPEAKER: Yes, he will speak on the motion.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the Bill of my friend is just one of the several that will come up before the House in the course of the day. Mr. Idris Ahmed Mia has brought in a similar Bill and my friend from Faridpur has also a Bill of the very same nature. They all want the Bill to be circulated.

Dr. NALINAKSHA SANYAL: No, they want the Bill to be sent to the Select Committee.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: This is also a Bill of the same nature. The position is this. This is a Bill which wants to put a stop to a social evil. A similar Bill was presented before the Upper House by Rai Surendra Narayan Sinha Bahadur and it went to the Select Committee. When it came out of the Select Committee, it was practically thrown out. (Rai HARENDRA NATH CHAUDHURI: Why?) The reason is that if you want to tread upon social affairs, you will place yourself in such a dangerous position that you do not know what actually will be the effect of it. You know the Bill wants to make illegal all dowry and dowry has been defined in a particular way. Now, if you say that a man has paid any dowry, the effect of that will be that he will be sent to jail for three months. Suppose you all accept the proposition. (Dr. NALINAKSHA SANYAL: Yes, we do.) You may say so but the Upper House threw it out. (Dr. NALINAKSHA SANYAL: They are not sufficiently alive to social evils.) There the Bill was improved upon by the Select Committee and after that, it was thrown out.

Sir, I was very enthusiastic in the beginning that a Bill of this nature would put a stop to a lot of evils and some friends of mine approached me to get that Bill passed into law. If that Bill had not been thrown out, it would have, by this time, been passed into an Act and received the assent of the Governor. But what actually happened there has practically made me a coward now. (Laughter.) Although you are now pressing for sending the Bill to the Select Committee, if you see the shape of the Bill when it comes out of the Select Committee, I am sure, you will at once say "we do not at all want this sort of Bill." (Mr. P. BANERJI: Why?) Why? Because it will be very easy for any enemy of yours to bring a criminal case against you in the court and send you to jail for three months. (Dr. NALINAKSHA SANYAL: Are you opposing this motion?) Wait a bit.

Sir, I thought that when two other exactly similar Bills will come up for circulation, let us wait till then and have only one Bill selected out of these and send the same to the Select Committee if the country so wishes——

Mr. SPEAKER: You have to explain why the notice of the amendment was not given in time.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As regards the notice, I was (Dr. NALINAKSHA SANYAL: Sleeping!) No, not sleeping, but I was thinking that this amendment will not at

all be necessary, because I was under the impression that my friend will not appear in this House. If you see all the correspondence that passed between us and the legal opinion that I took on it, you will be convinced that we were not sleeping over the matter. We got the legal opinion that if my friend cannot be present, this Bill cannot be piloted by anybody else and so it will be dropped automatically. Being under the impression that he will not actually come to the Assembly, I thought that it will be automatically dropped. (Rai HARENDRA NATH CHAUDHURI: That was a wrong inference.) No, it was not a wrong inference.

Mr. SPEAKER: I had no occasion to go through the Bill itself earlier, but on going through it, I find that the scope of the Bill is so wide and affects so much of personal and other laws that I feel that I will be exercising my discretion quite correctly if I accept this amendment of the Nawab Sahib even at a short notice. The reason is that if you merely give an ornament to your daughter, under this Bill, it will be a dowry and at once you may be penalised.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. So far as you are concerned, you will kindly exercise your authority not on the merit of the Bill, but on the merit of the motion that has come before us.

Mr. SPEAKER: But I must say that it is unfortunate that Government should be sending so many short-notice amendments one after another particularly on non-official Bills. If Government are not ready with the Bills, if Government have not made any decision or have not come to a definite opinion, it is no use convening this Legislature. The same thing has happened with the Co-operative Bill, with our first Bill to-day, with this Bill and probably with others. I am afraid that if things are going to be like this, the only position for us is absolutely to refuse to function. I am not attributing anything but when these Bills are introduced, Government must make up their mind beforehand.

Dr. NALINAKSHA SANYAL: They know that the Speaker's Department is now under the Home Deparment.

Mr. SPEAKER: I might say, Dr. Sanyal, that you have always got the wrong diagnosis and here also it is a wrong diagnosis.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to move, by way of amendment, that the Bill be recirculated for the purpose of eliciting further opinion thereon by the 26th January, 1941.

Mr. JOGESH CHANDRA GUPTA: Independence Day!

Dr. NALINAKSHA SANYAL: Why this particular date has been chosen?

Mr. SPEAKER: He will entertain you with a dinner.

The motion of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, that the Bill be recirculated for the purpose of eliciting further opinion thereon by the 26th January, 1941, was then put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1939.

Maulvi MUHAMMAD ISRAIL: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca,
(2) Khan Bahadur Hashem Ali Khan,
(3) Maulvi Shah Abdul Hamid,
(4) Khan Sahib Aminulla,
(5) Khan Sahib Hatem Ali Jamadar,
(6) Maulvi Idris Ahmad Mia,
(7) Khan Sahib Hamiduddin Ahmad,
(8) Dr. Nalinaksha Sanyal,
(9) Mr. Charu Chandra Roy,
(10) Babu Rasik Lal Biswas,
(11) Mr. Ahmed Hosain,
(12) Maulvi Hafizuddin Chowdhury,
(13) Maulvi Abdul Wahab Khan,
(14) Maulvi Abul Hussain Ahmed,
(15) Mr. Abdulla-al Mahmood,
(16) Maulvi Jonab Ali Mazumdar, and
(17) the mover,

with instructions to submit their report by the 30th October, 1940, the number of members forming the quorum being five.

Mr. SURENDRA NATH BISWAS: Before the honourable member goes on further, may I enquire whether Nawabzada K. Nasarullah will move his motion for recirculation?

Mr. SPEAKER: Yes, he will move his motion and there is another motion of Mr. Khwaja Shahabuddin.

Mr. SURENDRA NATH BISWAS: If Government Party want to move a motion for recirculation, then we may take it that the motion will be carried. So instead of losing more time over this motion, you should see that other members also get an opportunity.

Mr. SPEAKER: I think this is only fair.

Mr. Khwaja SHAHABUDDIN: We will accept the motion of Maulvi Muhammad Israil with a slight change in the date.

Mr. SPEAKER: You move your substantive motion.

Mr. Khwaja SHAHABUDDIN: I beg to move that in the motion of Maulvi Muhammad Israil for the expression "30th October, 1940," the expression "31st December, 1940," be substituted.

(Maulvi Muhammad Israil got up to speak.)

Mr. SPEAKER: I am afraid you ought to have spoken immediately after you moved your motion.

Maulvi MUHAMMAD ISRAIL: As soon as I rose, Mr. Biswas rose in his seat.

Rai HARENDRA NATH CHAUDHURI: The next motion has been moved, how can he speak now?

Maulvi MUHAMMAD ISRAIL: I was going to speak, but Mr. Biswas rose and I thought it was on a point of order.

Mr. JOGESH CHANDRA GUPTA: On a point of order. No member can speak on a motion twice. He has spoken once and he cannot speak again.

Mr. SPEAKER: In this case I think Mr. Israil might be allowed to speak. A point of order was raised and simultaneously Mr. Shahabuddin moved his motion. You will recognise that Mr. Israil had no opportunity to speak.

Maulvi MUHAMMAD ISRAIL: So far as this Bill is concerned, it has been circulated for opinion and opinions have come. By clause 2A, I propose to abolish the nomination system in the union boards.

Most of the District Magistrates vested with the power of making nomination have expressed the opinion that nomination should be abolished. I may refer to the opinion of the District Magistrate of Mymensingh. He says: "Clause 2A contemplates the elimination of the system of nominations by the District Magistrates to local bodies. On this head I am, after an extensive experience of district conditions in Bengal, in complete agreement with the framer of the Bill. At the beginning there may have been some justification for nominations to such bodies so as to ensure that they might be started on the right lines, but with the general extension of the system of election to local bodies and the accompanying widening of the experience in running such institutions, it is becoming more and more difficult to justify the retention of the system of nomination." The Commissioner of the Dacca Division entirely endorses the view of the District Magistrate of Mymensingh. He says: "I do not see any valid objection to the abolition of nominations in the case of union boards; in most places the union board voters are nowadays competent to choose as their own representatives persons capable of conducting the affairs of the union without the help of nominated members. There are several other District Magistrates who endorse exactly the same view." I do not think that Government or anybody else can have any objection to the abolition of nomination in union boards when the District Magistrate in whom the power is vested wants its abolition. Also some public bodies which have given their opinion have expressed themselves for the abolition of nomination.

There is another point in which I lay stress that is introduction of secret ballot in union board election. So far as the District Officers are concerned, they have raised some objections, that also only on the ground of cost. The District Magistrate of Bakarganj has suggested that secret ballot involves no costs. His suggestion is given below: "I agree that election to a union board should be by secret ballot, and for the last year I have used a system of secret ballot in this district, by which only the presiding officer, who is a Government servant and who must be presumed impartial, knows for whom the votes are cast. The system involves no cost, and has greatly facilitated the work at election time." The only objection with regard to voting by ballot was due to its cost and the union board which has got slender means will not be able to finance this cost. But the District Magistrate of Bakarganj has shown the way. He says that he has himself experimented the way and that involves no cost. So, I think so far as voting by secret ballot is concerned, it involves no cost. There is a cry everywhere in the country that votes should be cast by secret ballot. In an union board election a voter has openly to speak out the name of the candidate. This is very undesirable in view of the fact that voters cannot exercise their votes freely.

Then there are clauses 4, 5 and 6. These clauses deal with the appointment and dismissal of the chaukidars and dafadars. So far as these are concerned, the union board pays the entire cost. My main objection is that even nowadays the union board makes nomination but the District Magistrate and the Superintendent of Police who are vested with the power of making appointment know nothing about it. It goes straightaway to the clerk of the Subdivisional Officer who makes some money out of it and then it goes to the thana officer who also makes some money. Some may object to it on the ground that if the power of the District Magistrate is dispensed with, then there will be corruption. I submit that now there is corruption in three wheels then it will be limited to one only. If there is any corruption in the union board there is corruption in the clerk of the Subdivisional Officer and also in the officer in charge of the thana in these appointments.

So far as dismissal is concerned, the same is the case. Moreover, Sir, the chaukidars and the dafadars do not care for the President, because they know that he can neither appoint them nor dismiss them. So great difficulty is being experienced by the Presidents in getting their work executed. Clause 21 in the Bill proposes that the number of chaukidar and dafadar and the salary to be paid to them are to be determined by the District Magistrate. In my own district, Sir, the District Magistrate raised the salary of the chaukidars and dafadars without consulting the opinion of the union boards, although it is expressly provided in section 21 of the present Act that he should consult them before making any decision and that caused stir in the whole district, because that was done at a time when the assessment was over and the salary of the chaukidars and the dafadars was raised by Rs. 2 or Rs. 3 per mensem and that involved an expenditure of Rs. 500 to Rs. 600 per union board. And because this power was vested in the District Magistrate this was possible to be done.

Mr. SURENDRA NATH BISWAS: On a point of information, Sir, May I enquire whether the motion for circulation will be moved or has been moved? If it is not moved, then there is no use in speaking on this matter further. My friend will please remember that to-day is a non-official day and this Bill is going to have an easy passage. I therefore hope that he should not take much time over his speech.

Maulvi MUHAMMAD ISRAIL: The number of chaukidars and dafadars is to be determined by the Collector and in one instance, Khan Bahadur Maulvi Alfazuddin Ahmed, M.L.A., pointed out to me that in one case a village was washed away by the river and they proposed that one of the chaukidars who used to serve that particular village may be diminished but the Collector did not agree. It goes to show, Sir, that though a particular village may not exist, yet the chaukidar must be

maintained! So, Sir, I think that this power must be withdrawn from the Magistrate, and there are three other points to which I will refer. One is regarding section 37. Now, under the present Act the local Government is not bound to make any contribution whatsoever to the union board funds, though it is provided that they may make some contribution. By omission of the words "if any" I make it obligatory on the Provincial Government to make some contribution to the union board. The other two are power of vesting the power of revising the assessment on the Subdivisional Officer and the power of revising the decision of a union court to be vested on the Subdivisional Munsif or the senior Munsif of a subdivision.

With these words, Sir, I commend my motion to the acceptance of the House.

Rai HARENDRA NATH CHAUDHURI: Sir, I rise just to wish good luck to the honourable member opposite who has moved this Bengal Village Self-Government (Amendment) Bill. I hope, Sir, he will meet with better luck than myself. Sir, I not only proposed such a Bill in the old Legislative Council in 1928 but in the teeth of Government opposition also carried the Bill through the Council. It was only when the Bill was passed in the teeth of Government opposition and sent up to the Governor that it was negatived by him. That was the only non-official Bill or rather one of the two non-official Bills that were passed in the old Council. One was, if I remember aright, regarding the amalgamation of the Cossipore-Chitpore Municipality and the other was my Bill for the amendment of the Bengal Village Self-Government Act of 1919. I therefore, wish my friend good luck, at any rate, better luck than mine, and I hope that it will be possible for him in the present circumstances to get his Bill enacted as the law of the land.

Sir, it is an anomaly that the union boards have got to depend on the District Magistrate's discretion in the matter of appointment and dismissal of chaukidars not only so, but also in the matter of the determination of their pay, etc. It is the union boards that have got to pay for the piper, but it rests with the District Magistrate to call the tune. I say, Sir, that it is absolutely an anomalous position—an obvious anachronism in the present day and the sooner such a position is changed the better for the country.

Then, Sir, there are some other salutary provisions in the Bill and I hope these provisions also will be accepted by the Select Committee and eventually passed by this Legislature.

The motion of Mr. Khwaja Shahabuddin that in the motion of Maulvi Muhammad Israil for the expression "30th October, 1940", the expression "31st December, 1940," be substituted was then put and agreed to.

The original motion of Maulvi Muhammad Israil as amended—

"That the Bengal Village Self-Government (Amendment) Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca,
(2) Khan Bahadur Hashem Ali Khan,
(3) Maulvi Shah Abdul Hamid,
(4) Khan Sahib Aminullah,
(5) Khan Sahib Hatem Ali Jamadar,
(6) Maulvi Idris Ahmad Mia,
(7) Khan Sahib Hamiduddin Ahmad,
(8) Dr. Nalinaksha Sanyal,
(9) Mr. Charu Chandra Roy,
(10) Babu Rasik Lal Biswas,
(11) Mr. Ahmed Hosain,
(12) Maulvi Hafizuddin Chowdhury,
(13) Maulvi Abdul Wahab Khan,
(14) Maulvi Abul Hussain Ahmed,
(15) Mr. Abdulla-Al Mahmood,
(16) Maulvi Jonab Ali Mazumdar, and
(17) the mover,

with instructions to submit their report by the 31st December, 1940, the number of members forming the quorum being five."

was then put and agreed to.

The Bengal Medical (Amendment) Bill, 1937.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to move under the proviso to rule 193(2) of the Bengal Legislative Assembly Procedure Rules, that the Bengal Medical (Amendment) Bill, 1937, be continued.

The motion was then put and agreed to.

Mr. ANUKUL CHANDRA DAS: Sir, I further beg to move that the Bengal Medical (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca,
(2) Mr. Fazlur Rahman (Dacca University),
(3) Dr. Sanaullah,

(4) Mr. Mia Abdul Hafiz,

(5) Khan Bahadur Mohammed Ali,

(6) Maulvi Syed Abdul Majid,

(7) Babu Khagendra Nath Das Gupta,

(8) Rai Bahadur Jogesh Chandra Sen,

(9) Rai Sahib Kirit Bhusan Das,

(10) Mr. J. W. Chippendale, and

(11) the mover,

with instructions to submit their report by the 30th November, 1940, the number of members forming the quorum being four.

Sir, I have omitted the name of Maulvi Md. Mozammel Huq from the personnel of the Select Committee as I have not obtained his consent.

Sir, in moving this Medical Amendment Bill for reference to a Select Committee, I beg to say that this Bill is as old as the old Bengal Legislative Council. It was taken up before by Mr. Fazlul Huq, now our Hon'ble Chief Minister, but it could not be considered in the House because he was sent to the Central Assembly at the time, and the matter was dropped. Then, Sir, it was taken up by the late Mr. Jitendra Lal Banerji but the Bill was defeated. It was again taken up by Mr. (now Hon'ble) Mukunda Behary Mullick but it too received the same fate. Now, Sir, in this House it was taken up by the Hon'ble Mr. Tamizuddin Khan when he was a private member but nothing came out of it. Then, Sir, several Bills of similar character were sponsored by Dr. Sanaullah, Maulvi Md. Mozammal Huq and by Mr. Khagendra Nath Das Gupta all of whom I have made members of the Select Committee proposed by me. The fact that so many members had raised this matter shows the importance of the Bill. In fact, since the Medical Amendment Bill was passed the matter was being agitated and it was thought that great injustice had been done to those doctors at that time who had otherwise qualified themselves but were disqualified by the Bengal Medical Act. Therefore, Sir, several attempts were made to make those doctors qualified but failed. It is a fact that at the time of passing of the Medical Act there were private medical schools and colleges also—there was one Government college. So, a large number of students used to pass from those private schools and colleges and they were allowed to practise just as the doctors from the Government medical schools and colleges. Now, suddenly the Act was passed in 1914 and these doctors who used to come from private schools and colleges were disqualified. In England and other countries when the Medical Act came into force there those doctors who were practising at the time were recognised to be qualified doctors. But, Sir, in this country there is a different rule. Now,

after the passing of the Bengal Medical Act students coming from the National Medical College and other colleges were made qualified. But the students passing from those colleges were not qualified before those institutions were recognised by the Government.

Now, Sir, this anomalous position was created a long time ago and something should be done to remedy it. The Government, indeed, held examination for only two or three years for these disqualified students. But it is not quite sufficient for all the doctors to appear in these examinations and get themselves qualified. What I have proposed in this Bill is that so far as these medical men are concerned, who came out successful from private schools and colleges when there was no Medical Act, they should be taken at once as qualified doctors as in England and in other places. Those doctors who came afterwards should be asked to sit in an examination and if they are found qualified, they should be allowed to practise as qualified doctors. That is a simple proposition. I think there is nothing wrong in it. The Government may hold an examination and if they find on examination that these doctors are qualified, it is then and then only those will be taken as qualified doctors, otherwise not. In fact the purpose of my Bill has been supported by no less a person than Sir Nilratan Sircar, and also to some extent by Dr. B. C. Roy. It is only justice that these doctors who had come from private schools and colleges, should be given an opportunity to get themselves qualified.

With these few words, I commend my motion to the acceptance of the House.

Nawabzada K. NASARULLAH: Sir, I beg to move, by way of amendment, that the Bengal Medical (Amendment) Bill be recirculated for the purpose of eliciting further opinion thereon by the 31st December, 1940.

The motion of Nawabzada K. Nasarullah that the Bengal Medical (Amendment) Bill, 1937, be recirculated for the purpose of eliciting further opinion thereon by the 31st December, 1940, was then put and agreed to.

The Bengal Court of Wards (Amendment) Bill, 1937.

Mr. SURENDRA MOHAN MAITRA: Sir, I beg to move under the proviso to rule 19(2) of the Bengal Legislative Assembly Procedure Rules that the Bengal Court of Wards (Amendment) Bill, be continued.

The motion was then put and agreed to.

Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Maharaja Sashikanta Acharyya Choudhury, of Muktagacha,
(3) Mr. Santosh Kumar Basu,
(4) Mr. Manmatha Nath Roy,
(5) Mr. Sasanka Sekhar Sanyal,
(6) Khan Bahadur A. M. L. Rahman,
(7) Khan Sahib Maulvi S. Abdur Rauf,
(8) Mr. Abdulla-Al Mahmood,
(9) Mr. Syed Badruddoja,
(10) Kazi Emdadul Huq,
(11) Mr. Syed Hasan Ali Chowdhury,
(12) Mr. Upendra Nath Barman,
(13) Mr. Monmohan Das,
(14) Rai Bahadur Jogesh Chandra Sen, and
(15) the mover,

with instructions to submit their report by the 1st September, 1940, the number of members forming the quorum being five.

Mr. SPEAKER: I am sorry, no consent has been received from the proposed members of the Select Committee.

Mr. SURENDRA MOHAN MAITRA: I have given it to-day, Sir. Only Mr. Hendry's consent has not been obtained.

Sir, I do not propose to take up much of the time of this House, because I know perfectly well that I am riding for a fall. But all that I want to impress upon the House is that my Bill is not of such a revolutionary nature as the Court of Wards Amendment Act that was passed some time ago. In the working of this Act I have myself found some very great hardship caused both to tenant and zamindars alike. Even the debt incurred by the Court of Wards has been given the protection of 11 years during which Civil Court cannot be put into motion to realize the debts. Then, in the case of the zamindar who has got a *patni taluk* under him, if the *patni talukdar* is under the Court of Wards, the Court of Wards afford protection to the *patnidar* against the tenure being sold under regulation 8. The result is that the zamindar has to pay the revenue all the same without getting any rent from the *patnidars* themselves. How can such a provision be tolerated? If the present system of permanent settlement and the

zamindari order are to continue, I think the zamindars not under the protecting wing of the estate also have some claim to be saved by the Government. Simply because the estate comes under the Court of Wards and gets the protection of the Court, therefore all the other interests should be brushed aside, all other consideration should not be looked into, that is not a fair deal.

Then, there is another provision, which I think is also necessary. I am incorporating in my Bill that in the matter of appointment of managers, the owner who himself says that he is not qualified to manage the property should be appointed as manager. I have also included the ward or any member of the ward's family. Under no circumstances should an owner of the property be appointed as manager under the Court of Wards, and I know even in my district, the result is very unsatisfactory. The result is not only unsatisfactory, but, Sir, they are very tyrannous on the tenants. They wreak their vengeance on those recalcitrant tenants who were not obedient to the landlord. So, I think this provision should be placed in the Statute Book.

As regards the four years during which the Civil Court will not execute the decree, I have given the Court of course some breathing time no doubt. I have limited it to two years only and I think under the able management of the Court of Wards, two years are enough to adjust its liability.

With these few words, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this motion of Mr. Surendra Mohan Maitra. There are four proposals in this Bill. The first one is that the protection given under section 10C of the Court of Wards Act should be limited to liabilities incurred by an estate before the assumption of charge of the property by the Court of Wards. I do not think there is any difference between the honourable member's suggestion and actual practice because the Court of Wards, after the estate comes under it, incurs liability only for the sake of consolidating previous debts and the Court of Wards never incurs liability unless it finds that the estate is in a position to meet the liability. So, I do not think there is any justification for the suggestion in clause 2 (*1*) (*a*) of the honourable member's Bill.

Then, as regards the next point, namely, that the time-limit should be reduced from 4 years to 2, I venture to submit that it will not help anybody because if the estate is quickly brought to sale, I do not think that the creditors are going to be benefited. If the Court of Wards get sufficient time to collect and pay off the creditors, at least all the secured creditors stand a chance of getting 12 annas in the rupee even if they agree to some reduction, but if the estate is quickly brought

to sale, probably one creditor who will bring the estate to sale or another creditor, will be benefited by that and the rest will get nothing. In the original Act, the time-limit was one year but it had to be increased to 4 years. Now, the suggestion is to reduce it to 2 years. Sir, in the case of estates which have properties in more than one district and which are heavily encumbered with a large number of creditors, it is not always possible to find out the liabilities and assets of the estate within a limited period of two years and therefore for better management it is necessary that the period should be four years.

Now, as regards reducing the period of 7 years, so long as the creditor gets his interest I do not think he will have any grievance. I am almost certain that no creditor wants to bring an estate quickly to sale so long as he is paid the interest.

As regards the last but one proposal, namely, "provided that nothing in this sub-section shall in any way affect or limit the provisions contained in Regulation VIII of 1819", my submissions are these: If an estate has *patni* in it and if the *patni* rent cannot be paid to the zemindar, as a matter of fact the Court of Wards always makes a desperate attempt to pay the *patni* rent, but if it fails to do so and if for that reason the zemindar is in difficulty in paying his revenue, as a rule the Board of Revenue tries to accommodate the zemindar, so that his property is not brought to sale. That is the present arrangement. So, I do not think that zemindars should have any grievance on that account.

Then as regards the last proposal, namely, that "provided it shall not be lawful for the Court to appoint as manager the ward or any member of the ward's family," I think it is a very unreasonable proposal, because sometimes it is very necessary that the future proprietors should be given proper training in zemindary management.

Mr. SURENDRA MOHAN MAITRA: I find some reason for that. But what is the necessity for appointing a proprietor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sometimes it is also necessary. For instance, the proprietor has just attained majority; the father incurred a debt and the proprietor is not yet conversant with zemindary management. Though technically he is the proprietor, he is not yet competent to manage the property. It is not only the duty of the Court of Wards to make the property free from encumbrance but also to train up the proprietor. So, on that account I oppose this proposal too.

With these few words, Sir, I oppose the motion.

Rai HARENDRA NATH CHAUDHURI: It is our fate to be opposed always!

Mr. SPEAKER: Sir Bijoy, do you expect a division on this motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May not be, Sir.

The motion of Mr. Surendra Mohan Maitra that the said Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Maharaja Sasikanta Acharya Choudhury of Muktagacha,
(3) Mr. Santosh Kumar Basu,
(4) Mr. Manmatha Nath Roy,
(5) Mr. Sasanka Sekhar Sanyal,
(6) Khan Bahadur A. M. L. Rahman,
(7) Khan Sahib Maulvi S. Abdur Rauf,
(8) Mr. Abdulla-al-Mahmood,
(9) Mr. Syed Budruddoza,
(10) Kazi Emdadul Huq,
(11) Mr. Syed Hasan Ali Chowdhury,
(12) Mr. Upendra Nath Barman,
(13) Mr. Monmohan Das,
(14) Rai Bahadur Jogesh Chandra Sen, and
(15) the mover,

with instructions to submit their report by the 1st September, 1940, the number of members forming the quorum being five, was then put and lost.

(At this stage the House was adjourned for twenty minutes.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: There is no quorum, Sir.

Mr. SPEAKER: Please ring the bell.

(The quorum bell was rung for sometime, but still there was no quorum.)

Adjournment.

There being no quorum—

The House was adjourned till 4-45 p.m. on Monday, the 29th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 29th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 214 members.

Mr. SPEAKER: I am sorry, last Friday I had to close the debate all on a sudden as I was suffering from acute toothache and almost immediately I had to go to bed. I am still feeling very weak and, I am afraid, I may not be able to be present the whole of the day and in that case the Deputy Speaker will preside in my absence.

STARRED QUESTIONS

(to which oral answers were given)

Theft case in the Bag-Srirampore Post Office in Narail police-station.

*78. **Mr. A. M. A. ZAMAN:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*i*) that an insured cover to the value of Rs.3,000 was stolen in the Bag-Srirampore Post Office in Narail police-station of the district of Jessore in September last;

(*ii*) that the Police of the said police-station submitted a charge sheet against all the accused persons to the Subdivisional Officer, Narail, who sent them all to the Sessions Court, Jessore, for trial;

(*iii*) that the Sessions Judge in course of trial passed a remark that Police had got some innocent persons involved in the said theft case and acquitted the accused persons; and

(*iv*) that the Sessions Judge remarked in his judgment that the Police Officers and the Inspector of Post Office (Eastern Subdivision), Jessore Division, made a conspiracy, let off the real culprit and got the said innocent persons involved therein?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken by the Government for the arrest and prosecution of the real culprit?

(*c*) Is it a fact that the Police took down, according to the remark of the Sessions Judge, in their diary, names of many persons except those who were actually sent up for trial, but omitted the name of the real culprit?

(*d*) What is the reason of such omission and commission?

(*e*) Is it a fact that the persons whose names were noted down in the Police diary have been rendered disqualified for holding any post in Government service?

(*f*) If the answer to (*e*) is in the affirmative, are the Government considering it desirable to condone all these cases and see that these men do not suffer any longer in future? If not, why not?

(*g*) If the reply to (*a*) (*iv*) is in the affirmative, who is responsible for the loss of public money?

(*h*) What steps have been taken or are intended to be taken by the Government for the realisation of the said amount of money and from whom?

(*i*) Do the Government contemplate laying on the table a copy of the Judgment delivered by the Sessions Judge of Jessore regarding the theft case in the Bag-Srirampore Post Office?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) yes.

(*iii*) No such remark was passed in acquitting the accused.

(*iv*) The Sessions Judge did not pass any such remark.

(*b*), (*d*) and (*e*) to (*g*) Do not arise.

(*c*) No such remark was passed by the Sessions Judge.

(*h*) This is a concern of the Central Government.

(*i*) Copy is laid on the Library table.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the trying Judge has passed any strictures upon the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the honourable member to the copy of the judgment laid on the Library table.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the real culprit has been arrested and put under trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: As the judgment has been laid on the Library table, the information is already there.

Mr. SURENDRA NATH BISWAS: Sir, it is stated in the question as well as in the answer that the accused persons were all acquitted and nobody was found guilty, but still there was the theft. So I am asking whether the real culprit has been arrested and put under trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add to what I have already stated in my answer.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if any attempt has been made by the police to arrest the real culprit?

The Hon'ble Khwaja Sir NAZIMUDDIN: Evidently everything possible has been done.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*), will the Hon'ble Minister be pleased to consider the desirability of finding out the real culprit?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that as the honourable member's statements are all incorrect, it is no use trying to cover up one's mistake by asking questions of this nature.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to submit that the reply to question (*b*) has not been in proper order. The Hon'ble Minister has not given any reply whatsoever to the point.

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to question (*a*)(*ii*) and to the reply to it.

Mr. ATUL KRISHNA GHOSE: Sir, the latter part of question (*b*) says—"what steps have been taken by the Government for the arrest and prosecution of the real culprit" and the answer is "does not arise." Sir, surely that question arises.

Mr. SPEAKER: I do not understand what is meant by "real culprit."

Mr. ATUL KRISHNA GHOSE: The copy that has been laid on the Library table says—"The jury has returned a unanimous verdict of not guilty against both the accused. I accept the same and find them not guilty under section 52 of the Indian Post Office Act. The

accused Motilal Chatterjee and Krishna Chandra Pramanik are accordingly acquitted of the offence with which they have been charged and they are directed to be set at liberty at once." So, what about the real culprit?

Mr. SPEAKER: What is the meaning of "real culprit"? There may be only culprit. You may ask if any further steps have been taken in the matter.

Mr. ATUL KRISHNA GHOSE: All right, Sir. Will the Hon'ble Minister be pleased to consider the desirability of taking further steps to find out the culprit.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know, every attempt has been made. But if the honourable member can give some information that will lead to the detection of the culprit, we will certainly take every step to find out the culprit.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*h*), where the Hon'ble Minister says, "This is a concern of the Central Government," does this mean that the Provincial Government having an autonomous capacity will absolve itself of any responsibility of realising the money from the culprit?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of deputing a Special Officer to find out the culprit?

Mr. SPEAKER: I have never heard of finding out culprits. Culprits cannot be found in streets and jungles! (Laughter.)

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to consider the desirability of importing somebody from the Scotland Yard to find out the real culprit? (Laughter.)

(No reply.)

Increased price of quinine.

*79. **Maulvi MD. ISRAIL:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that the price of quinine has of late gone up very high; and

(*ii*) that the total amount allotted for the free distribution in the current year has proved to be inadequate for the minimum demand of the Province?

(*b*) If so, what action do the Government contemplate taking in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): (*a*) (*i*) Yes, the price of quinine has had to be increased for unavoidable reasons.

(*ii*) The provision for free distribution of quinine is being gradually increased. It is not contemplated that this grant would meet the entire demand of the Province for quinine.

(*b*) The budget provision for free distribution of quinine has been increased this year by Rs.1,00,000. Further increase of the grant is under my consideration.

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir. Hon'ble Minister for Public Health and Local Self-Governmentএর দেয় উত্তর যদি রেভিনিউ মিনিষ্টার দিতে থাকেন তাহলে Supplementary Question এর উত্তর চাইলে তিনি কেবল জানাতে থাক্‌বেন যে আমি নোটিশ চাই। সেক্ষেত্রে Supplementary Question জিজ্ঞাসা করার উদ্দেশ্যই পণ্ড হয়, Sir.

Mr. SPEAKER: I have no better control over the Ministry in that respect.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state the nature of the unavoidable reasons referred to in the answer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The price of quinine has gone up due to the international situation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the cost of production of Bengal quinine has gone up as a result of the international situation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the price of quinine formerly was decided upon as a result of an agreement between the Dutch manufacturers and the local manufacturers, by the Government so that nobody could undercut each other in the Indian market?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is supplying information and not asking for information.

Dr. NALINAKSHA SANYAL: As the Hon'ble Minister wanted notice, I wanted to refresh his memory by referring to the arrangement that was there, and this was mentioned in the House during the last year's budget discussion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is known to everybody. That is supplying information and not asking for any information.

Dr. NALINAKSHA SANYAL: As the Hon'ble Minister is not the Minister in charge of the Department, I reminded him of this.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I was the Minister who did it.

Mr. SPEAKER: I can assure you that Sir Bijoy knows more about the quinine matter than anybody else.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that as a result of the present high prices, the Government of Bengal is making a very large amount of profit out of quinine manufacture?

Mr. SPEAKER: So far as I understand, the prices of the Government of Bengal are also in parity with the market prices.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The position is this. Government had to increase the price of quinine just to keep parity between the price of the imported quinine and the locally produced quinine.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. After the explanation that we have had from the Hon'ble Minister on the Government policy when we from this side of the House as well as from the other side were pressing for cheaper quinine as a result whereof we were told that although the Government of Bengal were in a position to supply quinine cheaper, because their cost of production was much lower——

Mr. SPEAKER: Will you put the question?

Dr. NALINAKSHA SANYAL: It will soon follow. .....They could not do it because they were afraid of Dutch Kino Bureau undercutting the rate. Will the Hon'ble Minister be pleased to state what results are apprehended, if the quinine production by the Government Quinine Factory is supplied cheap by the Government of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there is always an apprehension of quinine getting into the hands of profiteers. They will be making large profits if it is sold at a much lower price than the imported quinine.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government could avoid profiteering by supplying cheap quinine through post offices for sale in small quantity and through jails as has been the practice?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government as a matter of fact used to sell quinine through post offices, but if the price is lowered very much, then there is the risk of the whole quinine being stocked by the profiteers who will try to sell and make large profit at the cost of the public.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us as to what was the price prevailing before the war and what the price just now is?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The pre-war price of quinine sulphate was Rs. 18 per lb. The present price is Rs. 24 per lb. The pre-war price of quinine tablet was Rs. 15-8 per lb. The present price is Rs. 20-11. The pre-war price of cinchona febrifuge powder was Rs. 9; its present price is Rs. 12 and the corresponding prices of the tabloid are Rs. 10 and Rs. 13 per lb.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us by stating the percentage of profit Government have made upon it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think Government have yet calculated the profit. It is too early to do that.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what will the Government do with the extra profit?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any arrangement has been made with the distributing agents who get a certain percentage of the price at which quinine is sold, so that they may not get abnormally high commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The terms are governed by the contract. They cannot charge an abnormally high price.

Dr. NALINAKSHA SANYAL: Probably I have not been clear enough. The contract is that a certain percentage of the price will be paid by way of commission. It is 25 per cent. Supposing the price is raised by Rs. 4, Re. 1 at once goes to the agent for doing nothing more than what he has been doing.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Will you repeat the question?

Mr. SPEAKER: He says that if your contract is to give a certain percentage of the total price as commission to the agent, then as soon as the price goes up, he gets an extra commission. For example, if the price be Rs. 20, the commission on the basis of 20 per cent. will be Rs. 4. If the price goes up to Rs. 25, the commission will be Rs. 5. The result will be that the agent will *ipso facto* get an extra rupee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult to deviate from the terms of the contract. There is a period for which the contract runs.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any attempt has been made to find out that no undue profit goes to the agent as a result of the rise in price due to the international situation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Arrangement for prayers for Muslim prisoners and undertrial prisoners in Jails.

***80. Khan Bahadur Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether there is any arrangement for the Muslim prisoners and undertrial prisoners to perform their daily (*oktia*) *namaj*, *Jumma Namaj*, *Id* and *Bakr Id* prayers in the jail?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how the prayers are performed in the Jessore district jail and in the other four sub-jails?

(*d*) Is there any *Imam* for the purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Does not arise.

(*c*) and (*d*) The daily prayers are said by the prisoners themselves without an outside *Imam*. In Jessore Jail an outside *Imam* is appointed for conducting Friday and *Id* prayers. In Jhenida, Magura and Bongaon sub-jails Friday prayers are said without an outside *Imam*. In Narail sub-jail *Jumma* prayers are not held at present but an arrangement is being made for holding the *Jumma* prayers without outside *Imams* as in the other three sub-jails.

In Magura, Bongaon and Narail sub-jails outside *Imams* are appointed for conducting *Id* prayers but in Jhenida sub-jail the *Id* prayers are conducted by a prisoner selected by the prisoners from among themselves. Steps are being taken to arrange for the appointment of an outside *Imam* for the two *Id* days in Jhenida sub-jail.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether there is any provision for the remuneration of the *Imams* who come from outside to conduct the prayer?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*) and (*d*), will the Hon'ble Minister be pleased to state why the *Jumma* prayer is not held in the Narail Sub-Jail at present?

The Hon'ble Khwaja Sir NAZIMUDDIN: Evidently there has not been any demand for it.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the working period of the prisoners is from 6 a.m. to 12 noon and from 2 p.m. to 6 p.m.?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that, in the absence of any remuneration, no suitable Imams are coming forward to conduct the prayer, but only incompetent Imams are available?

The Hon'ble Khwaja Sir NAZIMUDDIN: If that is so, I think it is very tragic.

Promotion of competent graduate clerks to the cadre of Sub-Deputy Collector.

***81. Dr. SANAULLAH:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that Settlement Kanungos, Sub-Registrars, Co-operative Inspectors and Special Officers (Debt Settlement Board) are eligible for promotion to the rank of Sub-Deputy Collectors?

(*b*) If so, are the Government considering the desirability of promoting a certain percentage of competent graduate clerks serving in various Government departments to the rank of Sub-Deputy Collector or any other officer of similar rank in other branches of Government?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state when it is likely to take effect?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) It is not considered that their work and training suits them for carrying out the duties of an executive officer.

Delay in payment of grant-in-aid to educational institutions.

***82. Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that grant-in-aid of the Government-aided institutions is kept entirely suspended from March to July every year; and

(*ii*) that the delay of non-payment of the grant-in-aid causes inconvenience to the teachers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take for the early payment of the grant-in-aid?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) No.

(*ii*) Does not arise.

(*b*) The question does not arise. Government are however trying to simplify the existing rules of payment of grant-in-aid.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that grants-in-aid are not regularly and monthly paid?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have heard complaints to that effect.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have started any enquiry into these complaints?

The Hon'ble Mr. A. K. FAZLUL HUQ: I think Director of Public Instruction is looking into this matter; I don't know.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that after the Budget is passed by the Assembly, the Finance Department cannot manage to send the budget to the Director of Public Instruction earlier than June and the Inspectorate cannot manage to pay any bill before July or the first day of August to any school in Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: There is some delay. I do not think it so late as June. If any such case is brought to my notice, I will look into the matter.

Rai HARENDRA NATH CHAUDHURI: In view of his answer that there are complaints in these matters, is the Hon'ble Minister considering the desirability of removing the cause of complaint?

The Hon'ble Mr. A. K. FAZLUL HUQ: I heard complaints, and I asked the Director of Public Instruction to enquire into the matter, but I do not know what has happened. If the honourable member so desires, I will find it out.

Rai HARENDRA NATH CHAUDHURI. Yes; we desire.

Medical certificate granted by Mahamohopadhyas and Shifa-ul-mulk.

***83. Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether certificates granted by Mahamahopadhyaya and Vidyaratna or Shifa-ul-mulk practising medicine are recognised by Government officers and judicial officers and courts?

(*b*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of issuing instructions for treatment of such certificates on footing equal to those granted by registered medical practitioners?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No medical certificate is at present recognised by Government unless it is signed by a Medical Officer registered either under the Bengal Medical Act or any other Provincial Medical Act, in accordance with the provision of section 30 of the Bengal Medical Act.

(*b*) The question of recognition of medical certificates granted by Ayurvedic practitioners registered by the General Council and State Faculty of Ayurvedic Medicine is under my consideration.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state how long has the matter been under the consideration of Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not for very long. Government hope to come to a decision within a reasonable period.

Babu NAGENDRA NATH SEN: I think it is known to the Hon'ble Minister that the title of "Mahamahopadhyaya" was instituted in 1887; will he please state what has the Government done up till now since 1887?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, what has Mahamahopadhyaya got to do with this question? What is the point in putting this question?

Babu NAGENDRA NATH SEN: My point is this, that the titles of Mahamahopadhyaya and Shifa-ul-Mulk are granted in recognition of their high qualifications in healing. Therefore, I want to know why they should not be allowed to give certificates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Under the Bengal Medical Act unless they are registered medical practitioners Government cannot allow them to give medical certificates. That is the difficulty which stands in the way.

Babu NAGENDRA NATH SEN: But what has Government done since 1887 to remove this difficulty?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Well, Sir, the present Government did not exist so early as 1887.

Research into the indigenous drugs of India.

*84. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) what steps, if any, the Government have adopted for research into the indigenous drugs of India;

(*ii*) whether there is any chair in the School of Tropical Medicine, Calcutta, for this or in any other institution;

(*iii*) whether it is in the contemplation of Government to establish any college or school in Calcutta or anywhere in the Province to promote the study of Ayurveda or the Unani (Hakimi) system of medicine; and

(*iv*) whether any grants-in-aid are paid to—

(1) Jamini Bhusan Astanga Ayurveda College,

(2) Shyamadas Ayurveda Vidyapitha,

(3) Gobinda Sundari Ayurvedic College, or

(4) any other similar institutions either Ayurvedic or Unani (Hakimi)?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount given to each of them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Research in the systematic cultivation of indigenous drugs and investigation of their composition and therapeutic properties is being conducted in the School of Tropical Medicine with the help of a grant from the Government of India.

(*ii*) Yes. The designation of the post is "Professor of Pharmacology, School of Tropical Medicine, Calcutta". Pharmacology includes indigenous drugs.

(*iii*) and (*iv*) No.

(*b*) Does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state if the Professor of Pharmacology is aided by competent Hakims and Kavirajes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, he is a member of the Indian Medical Service.

Babu NAGENDRA NATH SEN: But, Sir, he is so helped.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister please state if the Government of Bengal is considering the desirability of furthering research into indigenous drugs of India by grant-in-aid to any of the Ayurvedic or Hakimi institutions mentioned in part (*a*) (*iv*) of the question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, at present Government are not contemplating any such action.

Rai HARENDRA NATH CHAUDHURI: Does the Bengal Government think that there is any duty on their part to further such researches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government feel that they have a duty to further these researches and that is why they have encouraged research by the Professor of Pharmacology in the School of Tropical Medicine.

Rai HARENDRA NATH CHAUDHURI: That is not the answer. The answer is as in (*a*) (*i*) that researches are carried on by a grant-in-aid from the Government of India and not from the Government of Bengal. My question is whether the Government of Bengal think that there is any duty on their part to further such researches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Government of Bengal contribute to a large extent towards the maintenance of the School of Tropical Medicine and this is one of the subjects of research in that institution. So it cannot be said that the Government of Bengal are indifferent to the question of research in this particular branch.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state who is the present incumbent of the post of Professor of Pharmacology in the School of Tropical Medicine and what are the different duties of this officer?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: I submit, Sir, it does. It has been said that the designation of the post of the Chair in the School of Tropical Medicine for this particular investigation is the post of Professor of Pharmacology.

Mr. SPEAKER: I am afraid, however, that the question does not arise.

Dr. NALINAKSHA SANYAL: The question (*a*) (*i*) was what steps, if any, the Government have adopted for research into the indigenous drugs of India and (*a*) (*ii*) whether there is any Chair in the School of Tropical Medicine, Calcutta, for this or in any other instiution, *i.e.*, for the purpose of research into the indigenous drugs? It has been stated in reply that such research is being conducted in the School of Tropical Medicine and that the designation of the post is Professor, Pharmacology, School of Tropical Medicine, Calcutta. I submit therefore that in my question I would like to know whether——

Mr. SPEAKER: Well, Dr. Sanyal, I agree that your question is relevant, but it does not arise.

Dr. NALINAKSHA SANYAL: Well, Sir, if it is relevant, then why does it not arise?

Mr. SPEAKER: Well, simply because there is difference between relevancy and admissibility.

Dr. NALINAKSHA SANYAL: All right, Sir, I would then put my question in this way. In answer (*a*) (*ii*) the Hon'ble Minister says that there is a Chair in the School of Tropical Medicine concerning research into indigenous drugs. Will he please tell me if he is aware that this Professor of Pharmacology has no time at all to enquire into drugs or carry on researches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But that is his principal function.

Dr. NALINAKSHA SANYAL: Since the Hon'ble Minister has now alluded to his functions and here also the question of function has been stated may I now enquire——

Mr. SPEAKER: I am simply watching Dr. Sanyal how you develop your question.

Dr. NALINAKSHA SANYAL: But my information is that that is not his function. He is simply Professor of Pharmacology.

Mr. SPEAKER: But Government say that research is his main function.

* * *

Dr. NALINAKSHA SANYAL: That is why, Sir, I would like to know what his function is.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is his principal function. He is carrying on research into drugs as Professor of Pharmacology.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether the Professor of Pharmacology does or does not teach Pharmacology?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, he carries on research. The School of Tropical Medicine is a research institution, and research is this Professor's principal work. He does not teach Pharmacology.

Dr. NALINAKSHA SANYAL: Is it the Hon'ble Minister's point that he is only Professor of Pharmacology but is not concerned with teaching, and that he is only carrying on research in indigenous drugs?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: All this is included in his work.

Dr. NALINAKSHA SANYAL: All these then would indicate that his principal function is to teach Pharmacology as indicated by his designation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My honourable friend is making a great mistake. The School of Tropical Medicine is not an institution for teaching; it is an institution for research. That is the principal function of that institution.

Dr. NALINAKSHA SANYAL: May I enquire if this officer also teaches Pharmacology in the Calcutta Medical College?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It might be so, but that is not in connection with this institution.

Mr. SURENDRA NATH BISWAS: In view of the fact that Government have already recognised the State Faculty of Ayurvedic Medicine referred to in answer (*a*) (*iv*), does not the Hon'ble Minister think that some grant should be given to these institutions especially because they are in need of funds?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As regards grant to these institutions, at present Government do not make any grant, but that question does not perhaps arise out of this.

Mr. SURENDRA NATH BISWAS: I was asking, Sir, whether Government are considering the desirability of making such a grant.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least Government have not given any grant up to now.

Mr. SURENDRA NATH BISWAS: I know that they are not making any grant, but what I am asking is whether Government would be pleased to consider the desirability of making such a grant?

Rai HARENDRA NATH CHAUDHURI: The Hon'ble Minister has already answered that question in reply to a question of mine.

Will the Hon'ble Minister please state with reference to answer (*a*) whether the Government of Bengal bear any part of the expenditure connected with the research referred to in (*a*) (*i*) conducted by the Professor of Pharmacology?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, the Chair is maintained at the cost of the Government of India.

Rai HARENDRA NATH CHAUDHURI: Are we then to understand that the Government of Bengal as yet does not contribute anything towards the conducting of research into the indigenous drugs of India in Bengal?

So far as the work of this Professor is concerned, we understand that it is done at the cost of the Government of India at this Research Institute. May I now enquire, Sir, whether the Government of Bengal will be pleased to consider the desirability of providing for any expenditure for conducting such research work and, if so, whether they will consider the further desirability of making any grant to any institution to conduct those researches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least those questions are not before the Government at present.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state the number of indigenous drugs into which researches have been conducted so far and the results of those researches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would refer the honourable member to that monumental work of Professor——

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir, the Hon'ble Minister was referring to a monumental work. Will you kindly let him finish his reply?

Mr. SPEAKER: I have said that the question does not arise.

Dr. NALINAKSHA SANYAL: But, Sir, the Hon'ble Minister had begun a reply. Let him finish his reference to the monumental failure of the Professor.

Mr. SPEAKER: I think I have got to stop any reference to monumental failures or successes in view of the fact that that question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there was a Drug Enquiry Committee appointed by the Government of India——

Mr. SPEAKER: I am sorry, that question too does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if Government will consider the desirability of associating this Professor with some eminent Ayurvedic Physicians or Hakims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least that question is not under the contemplation of Government at present.

Mr. SIBNATH BANERJEE: With reference to (*a*) (*i*), will the Hon'ble Minister be pleased to state what is the amount of the grant received from the Government of India?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Agricultural loan to cultivators of Satkhira subdivision.

*85. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the economic condition of the agriculturists of Satkhira subdivision is generally bad owing to failure of crops for the last three successive years; and

(*ii*) that the Government advanced agricultural loan in all the thanas of the subdivision for the last two years?

(*b*) Will the Hon'ble Minister be pleased to state whether any agricultural loan has been advanced this year?

(*c*) If so, will the Hon'ble Minister be pleased to lay on the table a statement showing the amount of the loan, Union by Union, of each thana?

(*d*) Is it a fact that the loan proposed to be advanced in Tala thana in the said subdivision is only Rs. 5,000?

(*e*) Is the Hon'ble Minister aware—

(*i*) that the said sum is inadequate for the requirements of the agriculturists of the Tala thana; and

(*ii*) that the sum has not yet been distributed?

(*f*) If the answer to (*e*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) There was no failure of crops in 1937, but there was failure of crops in some parts of the subdivision in 1938 and 1939.

(*ii*) Agricultural loans were distributed in Kaliganj, Shyamnagore, Assasuni and certain parts of Kalaroa police-stations of the subdivision.

(*b*) Yes.

(*c*) A statement showing the amount which has been allotted for distribution is laid on the table. Out of the total sum of Rs. 65,000 allotted for the purpose a sum of Rs. 11,840 has already been distributed and the balance is under distribution.

(*d*) No. It is proposed to distribute a sum of Rs. 12,000.

(*e*) (*i*) Does not arise.

(*ii*) A sum of Rs. 2,000 has already been distributed and the balance is under distribution.

(*f*) Does not arise.

Statement referred to in the reply to clause (c) of starred question No. 85.

	Name of union.	Amount allotted for distribution.
		Rs.
	Shyamnagore police-station.	
1.	Nakipur	2,000
2.	Kashimari	3,000
3.	Atulia	2,000
4.	Iswaripur	3,000
5.	Khanpur	5,000
6.	Ramnagor	5,000
7.	Gabura	2,000
		22,000
	Kaliganj police-station.	
1.	Champaful	3,375
2.	Tarali	500
3.	Bharasimla	500
4.	Mathureshpur	3,000
5.	Dhalbaria	3,000
6.	Ratanpur	3,000
7.	Mautala	2,000
8.	Kushlia	1,315
9.	Dakshinsripur	2,500
10.	Bishnupur	3,000
11.	Krishnanagore	3,980
		26,170
	Satkhira police-station.	
1.	Jhowdanga	1,830
2.	Alipur	2,850
3.	Brahmarajpur	150
		4,830
	Tala police-station.	
1.	Sarulia	2,000
2.	Kumira	2,000
3.	Dhandia	2,000
4.	Nagarghatta	2,000
5.	Islamkati	2,000
6.	Tala	2,000
		12,000

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble Minister be pleased to give us some reasonable reasons why the allotted amount has not yet been distributed when the sowing season is almost over?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is being distributed, Sir. I do not think that the sowing season is already over on account of want of rains.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that owing to the scarcity of rains the *aus* crop and jute crop of these areas have practically failed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How does that question arise out of this, Sir?

Mr. SPEAKER: What was the question?

Mr. SYED JALALUDDIN HASHEMY: The Hon'ble Minister said, "the sowing season is not yet over owing to the scarcity of water," and out of that my question arises.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I venture to submit that this does not arise, Sir. It is for you to decide whether it arises or not.

Mr. SPEAKER: What was the question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question was why the amount was not distributed. My reply was that the amount was being distributed, and the honourable member maintained that the sowing season was already over. I said in reply that it was not yet over, because of the failure of the monsoon this year.

Mr. SYED JALALUDDIN HASHEMY: My point is this, normally it is over, but abnormally it is not over and I want to know whether he is aware of the fact that for want of water the crops have failed.

Mr. SPEAKER: He has replied to it already.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*c*), will the Hon'ble Minister be pleased to enlighten the House by what time would the total amount be distributed—within the sowing season or out of it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is expected that it will be distributed before the sowing season is over.

Mr. ATUL KRISHNA GHOSE: Since so much discussion has cropped up on that, will the Hon'ble Minister be pleased to enlighten the House by what time will the sowing season be over—by some particular date?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is the privilege of my honourable friend opposite to say by what particular date the sowing reason will be over. It is not for humble mortals like me to answer the question.

Dr. NALINAKSHA SANYAL: With reference to the statement referred to in answer 85 (*c*), will the Hon'ble Minister be pleased to state the reason why Tala thana has been favoured with a standard contribution of Rs. 2,000 in each union whereas under other police-stations, the contributions vary from Rs. 2,000 to Rs. 5,000 in certain unions? Is it because my honourable friend Mr. Hashemy is representing Tala police-station?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I repudiate that suggestion. According to the need of the area the amount has been allotted.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state how long will Government take to distribute Rs. 2,000 in Tala thana?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that Tala thana consists of twelve unions? Will he be pleased to tell us why six unions in the statement have been favoured with a loan, and why other six unions of that particular thana have not been favoured with any loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Accordnig to the local needs money is given. The local officers ascertain first of all how many people require loan in a particular area and then an estimate is formed on that basis.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Silting up of Lohajang river in Tangail.

41. Mr. CHARU CHANDRA ROY: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the river Lohajang flowing by the Tangail subdivisional town is practically dried up resulting in disadvantages to trade and commerce;

(*ii*) that the river Lohajang has now become the source of many diseases such as malaria, typhoid, etc.; and

(*iii*) that the drying up of the river has caused water scarcity in the locality?

(*b*) If the answer to (*a*) is in the affirmative, will the Government be pleased to state what action, if any, the Government are going to take to improve the condition of the river?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) and (*b*) Attention is invited to the reply which I gave on the 22nd July, 1940, to Mr. Amrita Lal Mandal's starred question No. 55.

(*a*) (*ii*) and (*iii*) Precise information is not immediately available but I think that it is generally accepted that inadequate flushing is one of the probable causes of malaria and the shortage of good drinking water one of the causes of cholera. I am advised that enteric and typhoid are not attributable to the drying up of waterways.

Mr. MIRZA ABDUL HAFIZ: Is it a fact that a permanent flow of a river may remove the causes of malaria, and supply good drinking water to prevent cholera in many places besides other advantages?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly, Sir, a flowing river is likely to help to improve the health of riparian villages.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that the excavation of the Lohajang river in some parts may make it permanently flow throughout the year and immensely improve the country and benefit the population?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have already stated that if it was possible to excavate it in such a way that it would not get silted up soon, it would certainly be desirable.

Establishment of a City Civil Court in Calcutta.

42. Mr. S. A. COMES: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) whether he is aware of the demand put forth from time to time by the Bengal and Assam Lawyers' Association and the Muslim Lawyers' Association for the early establishment of a City Civil Court in Calcutta; and

(*ii*) whether he is aware that a copy of the relevant resolution was sent to him by the Secretary, Muslim Lawyers' Association, on the 7th September, 1939?

(*b*) If so, will the Hon'ble Minister be pleased to state what action, if any, the Government intend taking in order to give effect to the demand?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) Yes.

(*ii*) No.

(*b*) Consultation with the High Court is proceeding.

Mr. S. A. COMES: With reference to answer (*b*), will the Hon'ble Minister be pleased to tell us since how long this consultation has been going on and how long it will last?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I cannot say exactly when the High Court will give a reply.

Mr. J. W. CHIPPENDALE: Is the Hon'ble Minister aware that this consultation with the High Court started years and years ago?

Mr. SPEAKER: I am afraid it must go on still.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to tell us whether consultations on this matter were going on between the previous Governemnt of Bengal and the High Court?

Mr. SPEAKER: I remember the late Mr. Surendra Nath Roy moved a motion some years ago.

Babu NAGENDRA NATH SEN: What has been the result of that negotiation?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Nothing has been done so far.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1939.

Mr. SPEAKER: The House will now resume further debate on the Bengal Co-operative Societies Bill, 1939.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If I may request you, Sir, you may now take up clause 47. Sir, there are amendments to clause 47 moved by my friend Dr. Sanyal and Mr. Satyapriya Banerjee, and I believe there are a few amendments tabled by Mr. Surendra Nath Biswas. I do not know if he is going to move them. I have four amendments of mine—Nos. 64 to 67. Sir, I am accepting amendment of my friend Mr. Satyapriya Banerjee, No. 73, and I am opposing the rest.

Dr. NALINAKSHA SANYAL: What about the other amendments, Sir?

Mr. SPEAKER: The Hon'ble Minister has not accepted them.

Dr. NALINAKSHA SANYAL: Sir, have you got any new amendment from the Hon'ble Minister?

Mr. SPEAKER: No new one. He accepts amendment No. 73.

Dr. NALINAKSHA SANYAL: Has he not given any new draft as he promised?

Mr. SPEAKER: No.

Rai HARENDRA NATH CHAUDHURI: Sir, there are some other points for consideration. Did the Hon'ble Minister consider them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, we did consider.

Rai HARENDRA NATH CHAUDHURI: The Hon'ble Minister only accepts the omission of the word "prior" in clause 47(*1*) and nothing else?

Mr. SPEAKER: Yes, that is so.

Rai HARENDRA NATH CHAUDHURI: Sir, with regard to sub-clauses (*d*) and (*e*) of clause 47, certain things were pointed out.

Mr. SPEAKER: Yes. It is better to leave the clause for the time being. The clause, as it stands, means that if a person contracts a debt for the purchase of a house, then that debt will be the first charge. Is not that so, Mr. Mullick?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir, that is the whole principle of the clause.

Mr. SPEAKER: Then we can take up this clause to-morrow. In the meantime, honourable members may reconsider the matter.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All right, Sir.

Dr. NALINAKSHA SANYAL: What can we reconsider, Sir? If the attitude of Government is so cussed, it is no use putting things off. We would rather like the Hon'ble Minister to put things through and then come back with a new Bill as he has done in the case of the Agricultural Debtors Act. Just now, of course, he in his own doggedness persists in having the words in the manner in which he is pleased to have them. Perhaps his departmental officers advised him to do so. We have done our best to improve the Bill, but if Government is not prepared to examine the difficulties, let them have the choice.

Mr. SPEAKER: We shall take up clause 47 to-morrow.

Clause 67.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that the following proviso be added to clause 67, namely:—

"Provided that if there are more than one person nominated under section 66 or entitled under section 67(*1*) and (*2*) to be registered as shareholders the person whose name stands first in the register of members as one of the holders of such shares, and no other person, shall be entitled to vote in respect of the shares so transferred."

Sir, I only want to remove some practical difficulty that will arise when as a result of subdivision of shares or as a result of inheritance, shares are held in the names of more than one person and the society may be in practical difficulties as to whom they would recognise as the person entitled to vote. This is in line with the provisions of the Indian Companies Act also. I hope that the Hon'ble Minister will please accept the amendment as this was suggested by some eminent co-operators who have had large pratical experience in this connection.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Before I answer Dr. Nalinaksha Sanyal, Sir, I move my own amendments on clause 67.

Sir, I beg to move—

that in paragraph (*a*) of clause 67(*1*), line 1, after the word "with" the words "the provisions of" be inserted;

that in clause 67(*2*), line 2, after the word "with" the words "the provisions of" be inserted;

that in paragraph (*a*) of clause 67(*2*), line 2, after the word "with" the words "the provisions of" be inserted;

that in paragraph (*b*) of clause 67(*2*), line 4, after the word "with" the words "the provisions of" be inserted;

that in paragraph (*b*) of clause 67(*2*), line 7, for the words "charge due" the words "sum payable" be substituted; and

that in paragraph (*b*) of clause 67(*2*), line 8, after the word "society" at the end the words "from the estate of the deceased member" be inserted.

Sir, so far as Dr. Nalinaksha Sanyal's amendment is concerned, I am in entire sympathy with him, but if he will please look up clause 66 which has been agreed to by the House, his apprehension will be removed when he finds it stated in clause 66 that any member of the co-operative society may, in accordance with the rules, nominate a person in whose favour the society shall dispose of the share and so forth.

Now, Sir, the rules will have to be framed under this clause and its effect is reflected upon clause 67. And therefore, Sir, so far as the details of this clause are concerned, there will be no difficulty when we have the rules framed governing such cases. I see the point that Dr. Sanyal raises and as a matter of fact I was tempted to agree; but it will appear that these provisions—namely, what we have got already in the Bill and the rules to be framed—will settle the details and the things now raised will present no difficulty.

Dr. NALINAKSHA SANYAL: That is a panacea for all the difficulties? (Laughter.)

The motion of Dr. Nalinaksha Sanyal that the following proviso be added to clause 67, namely:—

"Provided that if there are more than one person nominated under section 66 or entitled under section 67 (*1*) and (*2*) to be registered as shareholders the person whose name stands first in the register of members as one of the holders of such shares, and no other person, shall be entitled to vote in respect of the shares so transferred.",

was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in paragraph (*a*) of clause 67(*1*), line 1, after the word "with" the words "the provisions of" be inserted;

that in clause 67(*2*), line 2, after the word "with" the words "the provisions of" be inserted;

that in paragraph (*a*), of clause 67(*2*), line 2, after the word "with" the words "the provisions of" be inserted;

that in paragraph (*b*) of clause 67(*2*), line 4, after the word "with" the words "the provisions of" be inserted;

that in paragraph (*b*) of clause 67(*2*), line 7, for the words "charge due" the words "sum payable" be substituted; and

that in paragraph (*b*) of clause 67(*2*), line 8, after the word "society" at the end the words "from the estate of the deceased member" be inserted,

were then put and agreed to.

The question that clause 67, as amended, stand part of the Bill was then put and agreed to.

Clause 68.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 68(*a*), lines 3-6, for the words and figures beginning with "section 65" and ending with "the rules" the following be substituted, namely:—

"the provisions of section 65, and the value thereof determined in accordance with the rules shall be paid to such member or, if he is insane, to his guardian," and

that in clause 68(*b*), lines 2-5, for the words beginning with "the value" and ending with "insane" the following be substituted, namely:—

"the value of his share or interest determined in accordance with the rules shall be paid to him or, if he is insane, to his guardian."

The motions were put and agreed to.

The question that clause 68, as amended, stand part of the Bill was then put and agreed to.

Clause 69.

The question that clause 69 stand part of the Bill was then put and agreed to.

Clause 70.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 70(*a*), line 3, after the word "with" the words "the provisions of" be inserted.

I also beg to move that in clause 70(*c*), line 2, the word "lawful" be omitted.

The motions were then put and agreed to.

The question that clause 70, as amended, stand part of the Bill was then put and agreed to.

Clause 71.

Dr. NALINAKSHA SANYAL: Sir, clause 71 should be omitted.

Sir, this clause relates to creation of certain bars to some claims. It reads thus:—

"All payments made by a co-operative society in accordance with the provisions of sections 67 to 70 inclusive shall be valid and effectual against any demand made upon the society by any other person."

Sir, with regard to transfer, there are a series of complicated cases and laws which govern transfers under different circumstances. Clause 70 relates to transfers when a member dies or when a member disposes of shares or is expelled or resigns and when a society is wound up and a member's interest has got to be distributed. There are certain

provisions by virtue of which a person can part with his property by way of will or by way of gift or otherwise. If subsequent to the disposal of a person's property any claimant comes up who may have a legal right to the whole or part of the interest of such a member whose interest has been disposed of under the provisions of this chapter, it will be extremely unfair to that person to be told that he has ceased to have all legal claim, because there is a section here barring out all his claims. There is no provision here for management, and the manner in which co-operative societies or the department administering co-operative societies might decide upon questions of title is something which is very much open to objection. Sir, I submit that it should not be impossible for a person who otherwise has got a legal title to a share to be debarred from so claiming just because it has been handled by a co-operative society or the manager of a co-operative society. This will probably lead to abuses, and collusive arrangements may be indulged in, by virtue of which real claimants might be kept out and bogus claims may be admitted by the management of the societies to the detriment of the persons who are the real claimants. With that apprehension in my mind, I suggest that clause 71 should be deleted. I hope the Hon'ble Minister will accept my suggestion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry I have to oppose it. My short answer is this, that it relates to the payments to be made by a co-operative society in accordance with the provisions of the clauses which the House has agreed to. Now, Sir, when these have been agreed to, if we omit this clause, the inevitable result will be that when a society goes into liquidation, the claimants will have to go again to the civil court for realisation of their claims. I hope Dr. Sanyal will not press for the deletion of this clause.

The question that clause 71 stand part of the Bill was then put and agreed to.

Clause 72.

Mr. SATYAPRIYA BANERJEE: Sir, I would like to move amendments Nos. 92, 94 and 96 together.

Mr. SPEAKER: All right.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 72(*1*), lines 3 and 4, the words "by the Registrar or" be omitted.

Sir, I also beg to move that in clause 72(*1*), in line 4, after the word "officer" the words "or by such other officers" be inserted.

Sir, I beg further to move that after clause 72(*1*), the following new sub-clause be inserted, namely:—

"(*1a*) The Provincial Government shall appoint an audit officer referred to in sub-section (*1*) and shall maintain a special staff for the purpose of co-operative audit independent of the Registrar and the Co-operative Department."

Sir, if my amendments are accepted, clause 72 would read thus—

"(*1*) The accounts of every co-operative society shall at least once in each year, and by such date as may be prescribed, be audited by an audit officer or by such other officers authorised by him in this behalf by general or special order in writing.

(*1a*) The Provincial Government shall appoint an audit officer referred to in sub-section (*1*) and shall maintain a special staff for the purpose of co-operative audit independent of the Registrar and the Co-operative Department."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On a point of order, Sir. With regard to amendments Nos. 94 and 96, you will be pleased to find that if we are to accept them, it will mean that the Provincial Government will be involved in further expenditure and a Bill which involves any expenditure cannot be moved in the Provincial Legislature without the recommendation of His Excellency the Governor.

Mr. SATYAPRIYA BANERJEE: Sir, I will presently show that it will not involve any additional expenditure.

Sir, the pleague-spot in the administration of the Co-operative Department is the prevailing system of "perfunctory" audit, and if this system of audit is not changed and a suitable substitute as is provided for in my amendments made therefor, there is no hope for the recovery, for the revival, for the revitalization of, and the restoration of the confidence, which has unfortunately been very rudely shaken, in the co-operative movement. From the point of view of efficiency and from the point of view of the underlying principles, the prevailing system of audit has been universally condemned. Not to speak of non-official opinion to which I shall refer presently, the Central Banking Enquiry Committee and the foreign experts associated with it and the Royal Commission on Agriculture, have all in no uncertain terms disapproved of the prevailing system of audit and—last but not the least—the Flood Commission in its report which has been published only this year has recommended that the separation of audit from administration should be put into effect as early as possible.

Sir, I have pointed out in my note of dissent that "the importance of audit in co-operative societies, it is hardly possible to exaggerate. The co-operative organisations are not charitable institutions—as the Hon'ble Minister perhaps seems to think—they are business organisations, it may be, for social service, and it is of the greatest importance, therefore, to insist upon a thorough and efficient audit in order to prevent bad management and embezzlement and to inspire confidence amongst the investing public. In order that this may be done, audit should be entirely independent, because any one who runs may read that an auditor should be quite free and not be always thinking as to whether a certain remark will please or displease his superior officer who is responsible for the good working of that institution. Instances are not wanting in which obvious and glaring defects in the working of the financing banks have not been brought to light by departmental auditors."

Sir, the members of this House are perhaps not aware of the overwhelming evidence of public opinion in favour of separation of audit from administration. For their information I will first of all quote the opinion of the Governor of Bengal Co-operative Alliance who says: "Audit is one of the most important aspects to which we must give very serious thought. Hitherto, the Registrar was responsible for the audit of the co-operative institutions. The Registrar combines in himself the powers of organisation, registration, supervision, liquidation and also audit. On principle it is not sound. I would, therefore, take the audit out of the hands of the Registrar and place it under the Accountant-General, Bengal. I am not quite sure if audit of 18 or 19 thousand primary societies would be possible by the Accountant-General, Bengal. If not, they may be left with the Registrar for the present, but so far as the audit of the Provincial Co-operative Bank and central banks is concerned, they may very well be audited by a staff under the Accountant-General, Bengal. The present auditing staff under the Registrar for these institutions might be transferred to the control of the Accountant-General, Bengal, without involving any additional cost in this connection. That would really be independent audit of the institutions which would command confidence in the mind of the public, in the co-operative institutions. This reform has been insisted upon in several general meetings and conferences of the representatives of the co-operative societies."

Sir, let me now go over to the opinion of the Bengal Provincial Co-operative Bank as expressed in the report which was circulated over the signature of Mr. W. C. Wordsworth. It runs thus: "It is vital for the health of co-operative credit that all audit should be independent. Until that can be provided, there can be no reliability. All larger institutions (provincial banks, central banks, urban banks)

should come under the Accountant-General, Bengal's audit." Even the Bengal Co-operative Organisation Society, now christened the Bengal Co-operative Alliance, which has been very rightly described in a resolution passed at the Co-operative Conference held on 13th July, 1940, as "the non-official benamdar and appendage of the Co-operative Department" in their official opinion also says the same thing as follows: "It has been urged in several meetings of central banks and some of the divisional conferences held during the last few years that audit should be separated from supervision and should be made independent. We therefore suggest that some provision should be made to make audit independent of the Registrar's control. It may not be possible for the Accountant-General to take up the audit of all co-operative societies immediately. We, therefore, suggest that the audit of the financing banks and limited liability societies may be placed under the Accountant-General; the audit of primary societies may, however, remain under the control of the Registrar for the present." The Minto Professor of Economics, Dr. J. P. Niyogi, in a valuable lecture delivered before the University, says this: "Separation is needed between ordinary administration and audit work in the interests of efficient audit. It is also difficult to reconcile oneself to the position under which the audit staff remains under the administrative control of the department, the accounts of which the auditors are called upon to scrutinise and financial propriety requires that the audit staff should be removed from the control of the co-operative department. The audit of co-operative societies should be placed on the same footing as that of local bodies such as municipalities and district boards." I will next quote the opinion of the ex-Finance Minister, Mr. N. R. Sarker, to whose note on the problem of rural credit, I referred the other day. He says, "the present system of departmental audit of the co-operative societies does not appear to be satisfactory, as it cannot ensure the obtaining of that condition which is desired. To ensure a sound working of co-operative societies, some form of commercial auditing would be more appropriate. This auditing would entail an examination of the value and soundness of the assets of the co-operative societies and would not only check unsound investment but also inspire confidence among the depositing public. It is desirable that things should grow in this line. The departmental audit as at present conducted is in any case unsatisfactory. It does not engender public confidence very much, nor does it give the real position very clearly. The attempt should be made to make the audit more and more in the nature of commercial audit to be undertaken by independent private auditors. But even if in the present atmosphere audit by an official agency cannot be dispensed with, it is essential to ensure the independence of the auditors, by making this audit staff more or less divorced from the administrative staff and by seeing

that their departmental loyalty does not stand in the way of a frank and full exposure of defects in the working of the co-operative institutions". He concludes by saying that, "if audit is to be done by a Government staff, a separate department for the auditing of co-operative societies and land mortgage banks should be set up. It shall consist of persons having a knowledge of accountancy as well as of banking methods and principles. The advice of the Reserve Bank of India should be sought both in regard to the organisation and the selection of personnel for this department. This department should be placed under the control of the Finance Department." And last, but not the least, let me finish by giving the opinion communicated to me of that doyen of non-official co-operators all over India, I mean the Hon'ble V. Ramadas Pantulu who says that the right thing to do will be to wholly dissociate the Registrar from audit.

Thus we see that there is an absolute consensus of opinion regarding the separation of audit from administration.

Let us now look to the other side of the shield. The Select Committee in their report says, "We felt strongly that the audit of societies should be separated from their administration, but it was reluctantly conceded that immediate separation would impose a heavy cost upon the movement and would not be workable in practice." From my knowledge of the working of the department, from a perusal of the judgments of the trying Judges in the Hooghly Central Co-operative and Bankura Central Co-operative Detalcation Cases which for want of time I cannot quote but which deserves quotation at full length and from the facts that I have in my possession I am emboldened to say that it is not the cost that stands in the way, but the inevitable disclosure of many of the black deeds of omission and commission by the Registrar and the department which will be brought to light, if there is a separation of audit from administration, that stands in the way of separation. However that is neither here nor there.

The scheme of separation prepared by the Registrar and adumbrated by the Hon'ble the Minister in charge whenever he finds an opportunity to do so is simlpy an eye-wash designed to delude and beguile the public and the sooner the House realise it the better will be for them and the movement. The scheme is as follows:—"The Chief Auditor shall be responsible to the Registrar for the due completion of audit and performance of all other duties concerning audit. Similarly the divisional officers shall be responsible to the Chief Auditor working under the directions of Assistant Registrars who shall be responsible to the Chief Auditor for the due performance of all matters concerning audit in their respective divisions. So the Divisional Auditor would be serving under two masters, one the

Chief Auditor and the second the Assistant Registrar and the Chief Auditor again will be responsible to the Registrar." A perfect scheme of separation indeed!

As to the cost, Sir, let me refer to the opinion of the Madras Committee on Co-operation. They say, "We recognise that our recommendation for the separation of audit, from administration involves extra expenditure to the Government, but we hold that the advantages of separation should outweigh considerations of cost. As it is, a number of societies are audited free of charge, while central banks and big urban banks and a few other societies pay audit fees, the number paying fees being about 400 out of a total number of societies exceeding 13,000. If, however, Government consider that part at least of the extra cost should be borne by the fee-paying societies, we think that they will not grudge to pay it in view of the definite advantages which will accrue from the separation of functions contemplated." If, Sir, it has been possible for Madras, where most of the societies are audited free of charge, to recommend a scheme of separation, I do not see any earthly reason why there should not be any separation in our province where no societies are audited free of charge and, therefore, cost should not stand in the way. My time is almost up. I could speak for hours together on this subject of audit, but I will finish by making one appeal to the members of the majority party in this Legislature. I would only ask them to see what their brethren in Bihar have done and what decision the majority party there have arrived at in this matter. I would appeal to them to take a leaf out of that book and follow their example. According to the recommendation of the sub-committee of the majority party of the Bihar Legislature, it was agreed that the audit agency should be independent of the department and its function should be regulated by definite rules, the alteration of which should be guided by an independent authority.

Lastly, I cannot but refer to the liability of the auditors in question. The Chief Justice Mr. Alverstone in a famous case opines thus, "The auditor most undoubtedly does undertake very considerable responsibilities and is liable for the proper discharge of his duties and if by the neglect of his duties, or by want of reasonable care he neglects his duty and damage is caused to the company, as such, he is responsible for that damage," but nowhere in this Bill do we find any responsibilty attaching to the auditor or for the matter of that to any officer of the department. If you want well of the co-operative societies and the co-operative movement, the first thing that ought to be done is the separation of audit from administration. Do not try to mislead the House by saying that it will involve a huge increasing

expenditure. Do not please try to hoodwink the public outside that it will lead to an extra cost which the Government will not be in a position to bear. What Madras has done, Bengal certainly can do—where there is a will there is a way.

Mr. SPEAKER: What is your objection to separation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As I read the amendment of Mr. Banerjee (No. 96) I see that if it is accepted, it will involve extra expenditure.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May we have a definite statement from the Hon'ble Minister as to the additional cost that may be involved instead of bluff and threats that he is indulging in?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The amendment talks of a special staff.

Mr. SATYAPRIYA BANERJEE: A special staff is already there, but by this amendment we are seeking to place it under another department independent of the Registrar.

Mr. SPEAKER: I think what he means is this. So far as his object is concerned, you have provided for a certain audit staff in the Bill and he wants that this audit staff should not be under the Registrar, but under somebody else.

Rai HARENDRA NATH CHAUDHURI: That is the whole point.

Mr. W. C. WORDSWORTH: I wish I could go all the way with him except into the lobby.

Dr. NALINAKSHA SANYAL: Would it not be more convenient if Mr. Wordsworth spoke after all the amendments have been moved?

Mr. SPEAKER: I do not mind, if Mr. Wordsworth speaks after all the amendments are moved.

Mr. W. C. WORDSWORTH: Just as you please.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 72(*1*), line 3, after the word "by" the words "an authority appointed by the Provincial Government and independent of" be inserted; and

that in clause 72(*1*), line 4, for the word "him" the words "Provincial Government" be substituted.

If my two amendments are accepted, the clause or rather the section if it is accepted would read thus—

> "That accounts of every co-operative society shall at least once in each year and by such date as may be prescribed be audited by an authority appointed by the Provincial Government and independent of the Registrar or by an audit officer authorised by the Provincial Government in this behalf by general or special order in writing."

Sir, the main object of my amendments is the same as the object of my esteemed friend Mr. Satyapriya Banerjee. There are only certain drafting differences. The object being the same, namely, to achieve separation of audit from the control of the Registrar and his department, I have only suggested one set of wording and Mr. Banerjee has suggested another set. We might put before the House the general principles first and see if the House is agreeable to have the separation effected. Then it may be for the House to choose which of the two sets of amendments should be accepted. So far as the general case of separation of audit from administration is concerned, my esteemed friend Mr. Satyapriya Banerjee has in his very able note of dissent, as well as in his speech delivered just now, explained his viewpoint most effectively and thoroughly. I would only add one or two further points to draw attention to the practical position that would continue if the healthy change proposed by us is not accepted. It has been shown by Mr. Banerjee that all authorities so far known, official as well as non-official, beginning from the McLagan Committee and the Royal Commission on Agriculture and the Central Banking Enquiry Committee to the recent Land Revenue Commission, as well as non-officials like the esteemed experts, the Minto Professor of Economics, Calcutta University, Professor Dr. J. C. Sinha, Rai Bahadur Nagendra Nath Mukherji (a well-known figure in the field of co-operative movement in this province), and last but not the least, Mr. Wordsworth—all have unanimously suggested that audit should be separated from administration of the Co-operative Department and Mr. Banerjee has also drawn attention to the overwhelming force of argument which compelled the Select Committee to admit the principle of this separation in their own report as well. It has been suggested, however, that there would be some additional cost. The argument, the specious argument, that has been put forward in respect of the maintenance of the present state of affairs is that immediate separation would impose a heavy cost upon the Government and would not be workable in practice. I would ask the House to mark the words "Immediate separation" and also "heavy

cost upon the Government." When we are legislating we are surely not considering the immediate future, we are also having in view the ultimate future as well. I would like the Hon'ble Minister in charge, on a matter of principle, to state and explain to this House if he is convinced along with other members of the Select Committee that this healthy principle should be given effect to or not, if not immediately, in the course of a year or two, but as early as possible. If he is so convinced, then, how could he give effect to it without coming up to the House again with an amendment to this section which is now proposed to be got through? The clause, as drafted at present, says that the accounts of every co-operative society shall at least once in each year on such date as may be prescribed be audited by the Registrar or by an audit officer authorised by him, so that unless there is an amending law passed, even after three years or five years or whatever length of time the Hon'ble Minister may cover, when he thinks he could give effect to it, he would not be in a position to so give effect to this healthy principle, even after ten years, if this particular section is allowed to remain as it is drafted. On the contrary we feel that the amendments that we have proposed would leave Government a chance, for the time being, if the administrative difficulties are insuperable, to retain for the present such portions of the audit with the administrative department of the Registrar as circumstances demand, taking out other portions of audit and making them independent of the Registrar. I submit that if the wording that we have proposed does not find favour, we are prepared to accept any other improvement in the wording that may be proposed either by the Hon'ble Minister himself or by the members of the majority party or by the European Group, whichever party comes forward with a better proposition we shall be prepared to accept. We only claim this much that the principle should be accepted as a healthy principle, when there is a consensus of opinion on this point, this having been admitted both in the Select Committee's Report as well as in the Administration Report of the Co-operative Societies itself. I may parenthetically refer to page 8 of the latest report available ending 30th June, 1938, where it has been stated, "The prevailing uncertainty of collection from the agriculturists has been equally manifest in the field of recovery of audit cess. The consideration of such important questions as revision of audit cess and separation of audit and inspection had therefore to be postponed." It appears that Government had at one stage accepted the principle of separation, but they had only postponed it because of certain economic difficulties due to the prevailing economic distress or depression. I would not like to take the time of the House on quoting various opinions or on quoting the opinions of various authorities in this connection any further. I would only draw attention to one other opinion which would be valuable in connection with certain cases tried by the Justices of the Court. It

was there demonstrated that because of the perfunctory nature of the audit carried on at present frauds cannot be checked and defalcations go uncorrected. It was stated in the penultimate paragraph of the judgment in the trial of the Hooghly Central Co-operative Bank Fraud Case, Emperor *vs.* J. P. Basu and others, as follows by the Assistant Sessions Judge concerned:—

> "In this connection I would like to remark that my contact with the account books of the Hooghly Central Co-operative Bank in connection with these cases leads me to believe that there are serious irregularities in accounting and defects in the conduct of the affairs of the bank. Bogus cheques were easily cashed in the bank, demand drafts that were received were not entered on the credit side of the cash book, but were entered on the debit side when sent to the banks on which they were drawn, though there was subsequent entry on the credit side by transfer. These glaring irregularities were not detected. I believe that a thorough investigation will bring to light many such serious irregularities and also other instances of defalcation. The system of auditing seems to be defective. I am constrained to remark that unless the directors are less inactive and indifferent and take more and keener interest in the affairs of the bank, unless the working staff be manned by honest and efficient persons, unless the check by the Co-operative Department be more effective and efficient, unless the system of auditing be more adequate and thorough and actual auditing be more efficient, it would be rather safer for the public that such banks should cease to exist."

No stronger words could be used to condemn the present system of audit of co-operative societies.

Then again, Sir, in another judgment by another Sessions Judge, Mr. G. C. Banerjee, the Judge, in Appeal Case No. 14-19 of 1937 relating to the Bankura Case, observed:—

> "It appears from the evidence that immediate payments on foreign cheques were, in fact, made on some occasions and no mention of this irregularity was made by the auditors after examination of the bank accounts. If the accounts had been checked minutely, these irregularities could have been detected long before. The fact that these irregularities were not detected was, therefore, due to either of the two reasons, viz., that the auditing was done perfunctorily, that there was no real audit and what was shown as audit was merely

an audit on paper, or it may be that the way in which auditing was done was not sufficient to detect these irregularities."

Similar observations could be found in the departmental reports which have not seen the light of day. I may ask the Hon'ble Minister if he has the courage to produce certain documents—I would like to mention the documents also—if he was in a position to bring to light the reports of the enquiring officers into the affairs of the South Calcutta Co-operative Society, into the affairs of Chatra Co-operative Society, and into the affairs of the Co-operative Fishing Society and some others of which mention has been made in the House from time to time. I say with all the emphasis that I can command and with the full sense of responsibility that devolves upon me as one who is as much anxious to see that rural credit is protected that unless audit is separated the present evils of the Co-operative Department cannot be eradicated, and the reputation of co-operative administration cannot be re-established. Let me tell the House frankly and boldly what the fact is. The present Ministers, just like their predecessors, are not prepared to allow these officers independence, because they use the services of these officers for their personal ends. This Hon'ble Minister himself has used certain officers in his own personal matters. The House is already cognisant of that. I can tell you that in connection with the famous case in which Justice Edgley has delivered judgment, it was discovered that a group of officers, auditors and inspectors of co-operative societies, were engaged in fighting the election campaign for a certain Hon'ble Minister. That state of affairs is going to be repeated. If the auditors were kept independent—nearly 300 officers are now there concerned with auditing—they would not be available at the beck and call of the Registrar or the Assistant Registrar to carry out their desires and whims in connection with many matters not connected with their duties. I submit, Sir, that this is a very deplorable state of affairs which things have been thrown into, and I give the warning to Government and to members of the Coalition Party that they can pass Bills, that they can have legislations as they like, but if we find that injustice is going to be done to the depositors of co-operative societies by this kind of most unbusinesslike arrangements, it will be our painful duty to go about from house to house and tell the depositors not to put in a single farthing of money with co-operative societies. The 30 lakhs of Darbhanga will go out from the Provincial Co-operative Bank if he knows the manner in which auditing is done there. I know how the Co-operative Provincial Bank is managed and if depositors are duly informed of——.

Mr. DEPUTY SPEAKER: Your time is up.

Dr. NALINAKSHA SANYAL: May I have two minutes more, Sir?

Mr. DEPUTY SPEAKER: No.

Mr. SIBNATH BANERJEE: Sir, I beg to move that in clause 72(2), in line 3, after the word "prescribed" the words "not exceeding annas 4 per hundred of working capital" be inserted.

I further beg to move that after clause 72(2) the following new sub-clause be added namely:—

"(3) If the audit is not completed within six months of the close of the financial year, no audit fee shall be charged on the Co-operative Society."

Mr. Deputy Speaker, this clause is really the acid test of what the Government and what the Coalition Party want to do with regard to the co-operative movement, whether they want to save the co-operative movement or they want to destroy it. The whole test is this clause. About this, it is very surprising that though from the Hon'ble Minister downwards all the non-official persons concerned in the co-operative movement in their official report in the co-operative alliance have expressed the opinion that audit is to be separated and should be separated, when a Bill is brought before the House, after two years of cogitation, nothing is said about it, and as my friend Dr. Sanyal has pointed out if it is not possible to-day, and if the Hon'ble Minister wants to do it after three months or six months, he will have to bring in an amendment bill to do so. If that be his idea, if he really wants to separate audit from administration, I think it is meet and proper that it should be moved here or he should accept the amendment put from this side so that it may be passed into law, and he can give effect to it as early as possible.

I have moved two amendments, namely, that the audit fee should not be more than 4 annas per Rs. 100 of working capital. There are about 25 crores of working capital, and calculating ordinarily, we can get about four lakhs of rupees as audit fees, and that sum I think will be quite sufficient to meet all the expenses and something extra may be got also for other purposes. The rules here provide 10 annas for Rs. 100 subject to the maximum of Rs. 140 and 5 annas per Rs. 100 for central banks with a maximum of Rs. 350. Smaller banks have been penalised in the interests of larger banks. Larger banks which can afford to pay more are put in a better position, and the small banks and village banks have to pay a much higher rate than the bigger banks. That is on the face of it not equitable. Take the case of a new crop loan society in which a peasant keeps Rs. 5 or Rs. 10. These societies having a capital of——

Khan Bahadur JALALUDDIN AHMED: On a point of order, Sir. Is this relevant? Clause 72 only says: "The accounts of every co-operative society shall at least once in each year, and by such date as may be prescribed, be audited by the Registrar or by an audit officer authorised by him in this behalf by general or special order in writing."

Mr. DEPUTY SPEAKER: Yes, it is relevant. You just see the new amendment.

Dr. NALINAKSHA SANYAL: Clause 72 (*2*) relates to fees.

Mr. SIBNATH BANERJEE: Sir, in the rules we find that it is always the small bank that suffers. We want to put a stop to this sort of thing. If, as has been demanded by this side of the House, the audit is left to the Accountant-General, and if all the auditing work is done in a strict way, it will be much cheaper, it will cost much less than it is at present.

Sir, there are many societies which have not been audited for the last three years. I do not want to mention the name of any society, but I do not think that the Hon'ble Minister will dare contradict me. It is, Sir, a sad state of things. We hear much about embezzlements, and every session we hear of one or two new embezzlements. Co-operative societies have not been audited for the last three years, and even after audit it requires 6 to 8 months to get the audit report from the auditor through an Assistant Registrar, and that also after several reminders. That is a state of affairs possible only under the present system where the auditors are responsible to the ministry and the Registrar. Sir, the Hon'ble Minister has been in office for more than three years and still there are co-operative societies which have not been audited since he assumed office. If after all this you still insist that the audit should be under the Registrar who has shown that he is not able to manage the affairs of co-operative societies by having the accounts of the societies properly audited, I think you will not press that the audit should remain under the Registrar.

With these words, Sir, I support the amendments of Mr. Banerjee and also press my own amendments.

Dr. NALINAKSHA SANYAL: Sir, I rise to support the amendment of my friend Mr. Sibnath Banerjee to clause 72 (*2*). I submit, Sir, that so far as the system of audit fees is concerned, there is a considerable amount of misunderstanding in the House. It has been stated by the Hon'ble Minister that if audit fees are kept separate, it will entail loss on Government. I have before me, Sir, a table showing the amounts of audit fees realised from the year 1925-26 to 1935-36 and the expenditure on the audit staff. This expenditure side includes certain expenditure which is properly chargeable to provincial

revenues, because they relate to super-audit, *i.e.*, the expenditure on divisional auditors and some inspectors who are also supposed to do super-audit work. It is stated in that statement—I am quoting from an illuminating paper by Dr. J. P. Niyogi, Minto Professor of Economics, Calcutta University, in the "Calcutta Review" of April, 1939—it is stated that in every year from 1925-26 to 1935-36, barring the year 1934-35, there has been a saving to Government, a profit to Government due to the fees collected over and above the expenditure incurred on account of audit staff. The scale of fees levied is at the present moment controlled by the following rule: 10 annas per Rs. 100 of working capital subject to the maximum of Rs. 140 in the case of a society other than a central society and 5 annas per Rs. 100 of working capital subject to a maximum of Rs. 350 in the case of a central society.

It is true, Sir, that in the latest report available it has been shown that there has been a slight excess of expenditure over the fees collected, but, Sir, this has been accounted for by the prevailing uncertainty of collections, that is to say, if the collection was regular and the societies were in a position to pay—sometimes they cannot get competent audit service as Mr. Banerjee has pointed out, and there are societies that have not been audited for the last three years when they naturally refuse to pay—if these collections were duly made, the provincial revenues would find a balance to its credit on account of audit fees collected. I submit, Sir, that there is some amount of force in the argument on behalf of the societies which claim that audit being a statutory duty of Government it should be free, as far as practicable, and if it is not free, at least the audit expenses that have to be paid by the societies should be as minimum as possible. In some of the provinces, the audit expenses are shared between the societies and Government. There is no reason why such contributions should not be met from out of the provincial revenues here also. Government, particularly the provincial tax-payer, is keenly interested in a proper audit of the societies. It may be in the recollection of members of this House that on account of losses in the co-operative societies the provincial tax-payer has got to bear the brunt of the liability. Not long ago the Provincial Government had to provide subventions of Rs. 2 lakhs every year, which will come up to Rs. 20 lakhs, on account of loss incurred by the Provincial Co-operative Bank due to failure of the working of jute sale societies. It is proposed in the present Bill that the Government of Bengal will have some amount of liability on their own shoulders on account of the guarantees for the debentures that the co-operative societies may like to issue. If that is done, it is in the interest of Government and it is in the interest of the tax-payers of the province that audit should be done through Government agency independently of the administrative department of the Registrar, and the fees must partly be borne by

Government also. I submit, Sir, that this is all the more incumbent because of the insistent cry that audit should be separated from general administration. At the present moment, it has been argued by the Hon'ble Minister in charge that if immediate separation is effected, there will be an increase in expenditure, but, Sir, I am not at all convinced of this bluff. I call it a bluff, because on the face of it the figures show that Government would make some profit out of it and not certainly incur any loss if the audit of the co-operative societies is separated from the general administration. It is only to frighten members of the House that the Hon'ble Minister has come out with this statement. I submit, Sir, that if the auditors are kept free from the extraordinary additional duties which they have to perform—to give garlands to the Minister and arrange parties for officials when they go to the villages or to have election campaigns arranged for them—they will be perfectly free to do their duties by the societies within the time allotted and within the expenditure that is provided for it. Surely the Hon'ble Minister will not argue that when he has got in and around Calcutta any number of Inspectors and Auditors collected to arrange such conferences and meetings and exhibitions and the like, these men do not neglect their usual work by the societies. Surely, there is a limitation to human energy and when these officers have got to arrange something special, they neglect their other ordinary duties. I submit that at the present moment the much-talked-of separation that the Hon'ble Minister promised has not been actually effected. What has been done now? There is a Chief Auditor appointed who is merely a technical adviser to the Registrar—he has no executive authority independent of the Registrar. The Divisional Auditors also are similarly the advisers of the Assistant Registrars in their respective areas. The Divisional Auditors when they get a report from the Auditors of primary societies have got to submit a copy of their audit reports to the Assistant Registrar concerned while they send another copy to the Chief Auditor. The pay, allowances and the travelling expenses of the Divisional Auditors and all other Auditors of primary societies have to be billed by and with the authority of the Assistant Registrar or his subordinate officers. These auditors therefore are entirely dependent for their prosperity on the favourable note of the Assistant Registrar concerned. Surely, it is a wonderful device of separation when those men who are supposed to be independent have got to go through the administrative control of the officers whose work and activities they have to criticise. Sir, this is all the more necessary because of the increasing provision in this Bill itself for administrative interference in the day-to-day administration of the societies by the Registrar's own men and by representatives appointed by the Registrar. Sir, it has been our experience that even though there were no legal powers, the Registrar has managed by-laws to be so amended as to empower the Registrar to take up the management of any society if

the Registrar so chose. This has been done in the case of the Mymensingh Co-operative Central Bank and the latest addition has been that of the Baraset Central Co-operative Bank and any number of such other banks. When the Registrar or his departmental officers are actually engaged in the management, surely the auditors who are supposed to audit the work of such societies cannot do their work honestly and straightforwardly if they have to continue under the administrative control of such officers. And what has been the result? The result has been scandalous. It has been revealed that in almost every case fees have been realised from societies on the basis of fictitious working capital. Dr. Niyogi pointed out in his note that "assets which have no existence in fact, which have become irrecoverable owing to bad and injudicious investments, but which appear in the profit and loss account, are chargeable with audit fees. Representatives of credit societies resent when they are called upon to pay fees on working capital which has only an imaginary existence." This has been realised on the basis of 10 annas per Rs. 100 of working capital, and yet the necessary scrutiny has not been exercised by the Auditor and if any Auditor has got the courage to go against the usual human weakness and stand up to write out a strong report, what has been the fate? That officer has been penalised. I can quote several instances in which officers of reputation have been transferred away without notice because they attempted to have an independent audit report.

Sir, it is not without some amount of pain and humiliation that we have to say these things in this House. I have already stated that the whole system should be changed. Dr. Niyogi concludes by saying, "The present system should be done away with and audit undertaken by Government free of cost." My friend Mr. Sibnath Banerjee has suggested a reduction in the fees. Dr. Niyogi who is surely not an agitator and is an economist of reputation holding a most important post under the University of Calcutta, suggests that the present system should be completely done away with. At the same time audit officers should be relieved of the administrative work that they are now called upon to do. It is my information, Sir, that under the régimé of the present Registrar a new theory of audit sub-circles has been developed under which an Auditor of primary co-operative societies has to look after the day-to-day administration of a number of societies within his audit sub-circle. The duty which primarily devolves on the Inspector has to be performed by the Auditor also. Probably the Hon'ble Minister apprehends that if these Auditors are kept free, such duties will have to be performed by the Inspectors, and the Inspectors would not be in a position to cope with the work and there might be indirectly some increased expenditure. I submit, Sir, there is no necessity for this apprehension at all if the Hon'ble Minister and especially the Registrar and his staff would allow the incumbents to do the duties

for which they are appointed and not be taken away for other additional duties, additional work to please their master or to please the Hon'ble Minister, or the Cabinet.

Sir, it has been laid down as a matter of rule that for every 200 societies there will be an Inspector; for every 1,000 societies there will be an Assistant Registrar. During the last two years there has been a large increase—rather a fabulous increase—in the number of societies. I do not know if this increase has been to justify the very large number of appointments that have been made during the last two years, increasing the number of Auditors from 241 two years ago to something like 350 at the present moment. I am doubtful if any of these societies will outlive the short period of crop loan for which they are designed and the additional expenditure that the Hon'ble Minister has——

Mr. DEPUTY SPEAKER: Dr. Sanyal, your time is up.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that under rule 41 (*4*) you will be pleased to extend my time by another two minutes because it is a Bill and with regard to a Bill it is the customary practice for a member in all Legislatures to be allowed to speak for any length of time.

Mr. DEPUTY SPEAKER: But you are only supporting an amendment, and I think you have got nothing more to say.

Dr. NALINAKSHA SANYAL: Sir, this is a very important amendment and one on which the whole future of the co-operative movement is dependent. Probably I might remind the honourable Deputy Speaker that there have been cases when honourable members of Central Legislature spoke for three or four hours and even overnight on important Bills and important amendments.

(Mr. Speaker entered the Chamber at this stage and took the Chair.)

Mr. SPEAKER: I hope, Dr. Sanyal, you will now conclude.

Dr. NALINAKSHA SANYAL: Sir, I submit that I would not have the necessity of asking for any further time if the Hon'ble Minister could see his way to accept the very healthy suggestion that has been made in this amendment.

Sir, I would like to conclude by holding out that warning again that if the Hon'ble Minister feels inclined to stand by his obliging Registrar and to give a go-bye to the very healthy principle which has been enunciated and supported by all kinds of official and non-official opinion, it will be our painful duty to see that no Hindu puts in a single

rupee in a co-operative society so long as proper audit is not arranged for. We are not going to throw away money for being played with by certain interested parties. I would like to say this also that there can be no justification for having a departmental Auditor for the Provincial Co-operative Bank—a man who has no experience as an Auditor, who does not possess any audit qualification—which deals with crores and crores of rupees, and that in place of the Chartered Accountant who was the Auditor of the Provincial Co-operative Bank for a very long period. If my friend Mr. J. N. Basu were here he would have borne me out. He said at one time that we should not have any one less qualified than a Chartered Accountant for auditing the Provincial Co-operative Bank. Contrary to this, however, the present Registrar has kept a henchman of his as Auditor, one who is a mere M.A. without any audit qualification. Do you mean to say that the depositors are fools and that they will not be in a position to understand how the balance sheet is faked, how the Directors are all hoodwinked and how the Hon'ble Minister's own brother gets the deposit from a certain central bank withdrawn at a time when no other money could be obtained by any other member, with money advanced from that provincial bank. I challenge the Hon'ble Minister and I challenge all the members of the Coalition Party particularly my friend Mr. Fazlur Rahman, who is so excited, to come with me and I will show from records that at a time when no other depositor could get money from the said central bank the brother of the Hon'ble Minister was able to draw his money from that particular central bank. Can you think of any greater nepotism? It is a fact which I am throwing openly on the face of the Hon'ble Minister, let him have the courage to deny. After a few days I shall give the facts of the case, if necessary, to show how audit is going on and to what extent it is going to injure the interests of the co-operative societies and of the department as a whole.

Mr. W. C. WORDSWORTH: Mr. Speaker, I thank you for permitting a member of this group to speak. I speak independently in my personal capacity, and not on behalf of my group, though I imagine most of the group agree with me generally. I myself, although I cannot go with Mr. Banerjee all the way, am prepared to go nearly all the way, almost all the way with him, but not into the lobby. What he explained to us and pleaded for to us is, I think, accepted not merely as a principle but as a necessity, by any one who has anything to do not only with co-operative societies but with business in general. An independent audit is a necessity for the healthy transaction of any business of any sort. I think the House will agree with this. Certainly the provincial bank agreed with it, the Select Committee agreed with it; yet before the end, the Select Committee except two stout members were converted, and the Board

of Directors of the provincial bank were also reluctantly persuaded not out of their opinion but into the opinion that the necessary changes were not immediately advisable. It is for that reason that while I support Mr. Banerjee, I cannot support him right through to the end. The reason why we were persuaded into this view, after saying that it is vital for the health of the co-operative movement that all audit should be independent, was briefly this: The department has for 30 years evolved round departmental audit and it is difficult in a moment to change the practice, the habit, the outlook and the spirit of 30 years. It is necessary to change all that, but it will take some time. Furthermore, we were convinced by the material put before us that it would be a costly business at the moment and that it would take time also to rearrange the finances, if the co-operative movement itself might be able to obtain any revenue that Government could provide for the administration of co-operative credit. For that reason I was finally instructed by the Board of the provincial bank not to move a contemplated amendment which was similar to or identical with Mr. Banerjee's.

Therefore my position briefly is, that I think this should be done, but I accept the argument that it cannot immediately be done. My suggestion, therefore, is if this amendment is rejected and the Bill goes through as it is, let the Minister and the department immediately give their attention to this, to considering how the administration can be so modified little by little that before very long the necessary change in audit method will be possible. Further, I think that an effort should be made in a very short time, say within a year, to bring the administration of all the larger institutions, provincial banks, central banks and institutions of that importance, under independent audit. I think further that there should be a committee appointed, of the Co-operative Department, the Finance Department, and it might get help from those in this House who have interest in, who have studied and who have experience in, various branches of the co-operative movement. This committee should consider how within a period of time, say three, four or five years, the whole spirit, the whole conception of the administration might be changed, so that audit becomes quite independent and not a function of the department. Whether it becomes a function of the Finance Department or something independent, the committee could perhaps decide. I would ask the House not to be overimpressed by arguments about corruption. We are given vague details, and I dare say there is ground for some of these statements. If I brought my book of cuttings with me, I could have quoted observations about the conduct of banks and the peculiar book-keeping of banks that are not co-operative institutions. I could have shown that village banks, town banks, country banks under independent audit, are not invariably satisfactory. That is all I wish to say. I think that any committee appointed as I have suggested

would find very strong argument for one point of view in the vigorous, comprehensive and valuable note of dissent that has been put before the Assembly by Mr. Banerjee. He was one of the two stout men that were not persuaded out of their opinion by arguments that were sufficient to persuade nearly a dozen men here and twenty-four men of the provincial bank.

Dr. NALINAKSHA SANYAL: They are henchmen and not men.

Khan Bahadur JALALUDDIN AHMED: Sir, I would not have intervened in this debate at this stage, but that this clause 72 is a very important one. As has been said by the previous speaker, Mr. Wordsworth, I agree that separation of audit from administration is a necessity and also deserves serious consideration. I speak only to make it clear that the attitude of the members on this side should not be misunderstood simply because they support the Government. It is true that independent audit is necessary and for want of such an audit the audit work could not be smoothly carried on by the officers who owe their allegiance to the department itself. But the question is: if there is separation of audit here, can you say that the administration can be cured of corruptions completely unless the personnel of audit are honest and diligent? In other departments, like the Local Self-Government Department, in municipalities and district boards I have myself seen independent audit taking place under the general superintendence of the Accountant-General. Then one of his audit officers goes to the local bodies and inspects and examines their accounts for two or three months, but still I know of defalcations going on for years together undetected. There you have independent audit, but you have not been able to prevent defalcation. So independent audit is not the only panacea for the disease. After all, it depends on the personnel of the auditing staff. If an auditor wants to do his work honestly and if he is an honest officer—and there is no presumption against a man's honesty and every man is presumed to be honest unless he is proved dishonest—then he is sure to do his work well. If the Registrar is not absolutely corrupt and if he does not want bad audit, there is no reason why the audit work of the Registrar should be subjected to such condemnation as poured upon it by my friends opposite. Of course, I agree with them that there is theoretical difficulty if there is no separation of audit. I would not have disagreed with the criticism of the opposition, but for the remark that Dr. Sanyal made to the effect that in the absence of independent audit no Hindu would put money in these banks.

Dr. NALINAKSHA SANYAL: Because it is the Hindu money with which these societies are running.

Khan Bahadur JALALUDDIN AHMED: No doubt I appreciate his arguments and his learning as well as his study of the subject, but I wish he had avoided all these threats because after all hard words break no bones; on the other hand, this will have the effect of stiffening the attitude of our party.

Dr. NALINAKSHA SANYAL: Especially with the thoughtless majority that is carrying on the administration as it is doing now.

Khan Bahadur JALALUDDIN AHMED: Well, I may say that the majority is never thoughtless. The majority always carries the House with it by argument and reason.

Dr. NALINAKSHA SANYAL: Have the measure carried; but anyway Darbhanga's 13 lakhs will not come; we will see to that.

Khan Bahadur JALALUDDIN AHMED: Anyway, Sir, I do not want to bandy words with Dr. Sanyal, and he should not interrupt me in this way.

Dr. NALINAKSHA SANYAL: Don't mention all these things, and I won't interrupt you.

Khan Bahadur JALALUDDIN AHMED: You yourself have mentioned all these things and that is why I am referring to them.

After all there has been something in the speech of Dr. Sanyal which shows that it is Dr. Sanyal's opinion that had the Co-operative Department been run by any other officer than by the present Registrar the working of the department would have been much better. It may be his opinion, but I believe his opinion is not shared by the House as a whole.

Dr. NALINAKSHA SANYAL: May be, my opinion is not shared by the House but it is true.

Khan Bahadur JALALUDDIN AHMED: Only some time ago, just before I started for Calcutta, I was offered a brief in a case of defalcation started on the result of departmental audit which shows that the department does not suppress defalcation. I have conducted cases of defalcation of the Registration Department. For 10 or 12 years there has been going on defalcation of the landlords' fees to the tune of Rs. 50,000 and a very important person was concerned in the affair. But nothing was detected for long. Of course, audit had gone on year after year, lasting at times for two or three months, but what was the result? There was independent audit, but it appears

that independent audit is not free from criticism. But at the same time I admit with Mr. Wordsworth that it is very desirable that we should have independent audit, but if my friends opposite emphasize this thing again and again and give dissertation on its necessity, then it is only flogging a dead horse and repeating a thing which is admitted on all hands.

Dr. NALINAKSHA SANYAL: So why not make this clause permissive? Then we could have understood it.

Khan Bahadur JALALUDDIN AHMED: Sir, I put a question to the Hon'ble Minister as to why he had not separated audit from administration so that this ugly feature might have been removed. He said that he was prepared to do so, but for the cost involved. But I think that if the Hon'ble Minister will at least give us an assurance that he would appoint a committee to go into the whole question whether separation of audit from administration is possible at a moderate cost and with the staff he has now provided independent of the Registrar, then perhaps there would be no objection from the other side of the House.

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Dr. SURESH CHANDRA BANERJEE: Much discussion has already taken place on this matter, Sir. Therefore, I ought not to say anything about it, but as the matter is very urgent, and it is one of the subjects about the Bill regarding which I feel strongly, I think it will be doing injustice to myself if I do not say at least one or two things about it. Sir, I won't go into the detail as to what the Floud Commission or the Royal Commission on Agriculture, about 10 years back, have said about it. I will cite only one instance which I know very definitely and with which I am more or less intimately associated. It definitely proves how, for want of separation of the Audit Department from the Administrative Department, a lot of corruption has crept into the whole co-operative movement in Bengal. I refer, Sir, to the case of Bhogpur Samavoy Bank. Sir, this bank is situated in the subdivision of Tamluk in the district of Midnapore. Its Secretary is now undergoing imprisonment for a term of three years for falsification of accounts, forgeries of documents and many other things. The case against him was started in 1937, but it really referred to matters connected with 1934, 1935 and 1936. The Auditor appointed by the Registrar audited the bank during these three years, 1934, 1935 and 1936, and certified that the accounts, the papers and everything in connection with the bank were satisfactory. Then;

subsequently something wrong leaked out and there was a case against the Secretary. The case was tried in Tamluk Subdivisional Court and then in the Sessions Court at Midnapore, and the punishment was upheld in the High Court. When the case was going on, the Secretary pressed repeatedly to have the Auditor brought before the court either as an accused or as a witness, but owing to the apparent support which he got from the Co-operative Department, especially the Registrar, he was brought in neither as an accused nor as a witness. That is how, owing to non-separation of the Audit Department from the Administrative Department, this Auditor got the support from the department and he was not punished. Had he been punished in this particular case, I am sure a lot of corruption would have been impossible in the future.

I might have cited several other instances I know of, but I refrain from doing so owing to want of time, and because much discussion on the matter has already taken place. I will only refer before I sit down to one thing and that is this idea of separation of audit from administration is not a new thing. Twelve years before the Royal Commission suggested it, and it is a matter for regret or rather shame that the Hon'ble Minister who has brought in this Bill after twelve years has not found it worth his while to separate the two departments in spite of the large number of defalcations that have already taken place in connection with the co-operative movement. I hope the Hon'ble Minister will accept the amendments, which have been so ably put forward by Mr. Satyapriya Banerjee and Dr. Nalinaksha Sanyal.

Mr. SASANKA SEKHAR SANYAL: Sir, in the course of the discussion of the Co-operative Bill, it seems to me that we have arrived at a stage where we are faced with the most important and far-reaching question of the whole matter. There are two things which really trouble the intelligent minds in their consideration of this Bill—the title and the tutelage of the whole department under official *zoolum* and in the second place making the Audit Department separate. Both these things have got to be faced squarely and a ready solution ought to be made available in the interests of the province as a whole. Mr. Banerjee and Dr. Sanyal quoted arguments and facts, which seemed to me to be irrefutable, and the spokesman in support of the Ministry, viz., Mr. Wordsworth of the European Group, and Khan Bahadur Jalaluddin, have not tried to advance counter-arguments to refute those which have been advanced from this side of the House. Mr. Wordsworth's arguments have almost taken my breath away. In dealing with the allegations of corruption, Mr. Wordsworth has gone far enough, and he has said, "Well, there are petty defalcations in the country banks, in village banks, and so on." I do not know

whether he is justifying dishonesty on the basis of precedents. Mr. Wordsworth ought to know that there are defalcations even in big European banks in his own country. But is he going to advance that as a precedent for multiplication of dishonesty and corruption in his own dear country, England? Sir, we know in this country the famous case which came up before their Lordships of the Hon'ble High Court—I mean the case of Robert Wachoupe of the Survey Department. He was found to be an arch-villain, although highly placed in the service of Government. But will he justify other dishonesties on the ground that this particular highplaced official of the Survey Department was found to be dishonest. My friend Khan Bahadur Jalaluddin for whom I have real respect has said that in municipalities, local self-governing institutions, in spite of the periodical audit, there are defalcations detected. Well, if that is to be the argument, it is an argument in support of the dangers which have been pointed out by the opposition. Sir, even with the best of intentions, and in spite of periodical independent audit, we find in self-governing institutions and in Government departments dishonesty and corruption stalking and crawling. That is all the more reason why the most important department of the nation-building side of the Government should be subject to a still further and more careful scrutiny of the Audit Department. Deceptions sometimes defeat even intelligent audit. But that is no reason why we should put a premium of dishonesty upon this valued department of Government. Sir, it is well known that defalcations and corruptions in this department in the past are open scandals, and instances have been given which it seems to me are not capable of repudiation, because they have found they are mentioned in letters of gold in the judicial pronouncements of the highest tribunal of this province, and if we have got to grow wise by experience, we have to overhaul this department in such a way as to make recurrence of similar defalcations a thing of the past. Sir, this is a matter which should be discussed above the plane of recrimination. To me it appears that the prospects and responsibilities of the Co-operative Department are increasing manifold. For example, Sir, by the passing of the Money-lenders Act and by the rapid march of progress of the Bengal Agricultural Debtors Act, both of which I welcome as good legislation, private money-lending has become shy and in future it will become shier still, and we all hope that private money-lending will give place to public money-lending and that can be done only by a healthy operation of the Co-operative Department. Persons who have got anything to invest will be wise in future in making their investments not privately nor through smaller banks, but they will find greater safety by investing their wealth or the small things that they have got in the co-operative banks. That is to say, Sir, the Co-operative Department and the co-operative banks will be depositories and trustees of big and small creditors and even, Sir, of

persons who invest their all in these banks. I say, Sir, the prospects of the Co-operative Department lie in the direction of investments in banks. There will be small agricultural industries and commercial enterprises in the remote corners of the villages, and they will all be financed to a large extent by the Co-operative Department. That is to say, the Co-operative Department will no longer remain a mere department of Government, but it will turn out to be a department round which the public will rally in order to make investments which will be fruitful and which will be safe. Therefore, Sir, it is necessary that the audit should be such as to ensure the greatest amount of safety and to inspire some amount of confidence in the minds of our constituents. Whether the Maharaja of Darbhanga has got Rs. 30 lakhs or not is of no concern to me. Darbhangas may come and Darbhangas may go. (Laughter.) We are more concerned with the X, Y, and Z—the people whom we represent—and it is more on account of the safety and confidence of these petty persons of the villages whose resources are limited that the auditing should be broadbased upon the principle of safety and confidence.

Sir, Dr. Sanyal has given facts. These facts are in themselves staggering, and I hope the Hon'ble Minister will either meet them successfully or will admit them and see his way to modify the clause, consistent with the demand or desire of the people. Sir, it is not a question of Hindu money or Muslim money. Muslim money is as dear as Hindu money (Cries of "Hear! hear!" from the Coalition benches.) No Muslims will ever run to the banks to make their small investments unless they are satisfied with regard to the safety and purity of the administration. A Muslim's money ought also to be safe even under a Muslim Government, and unless they have really satisfied their own conscience that the administration is subject to successful, efficient and honest audit, well, they will certainly think many times before running to the provincial banks. So, Sir, my respectful submission before the Coalition Party is this: That they should not wait, they should not be content merely by assurances. These assurances do not go far enough. I am not prepared to be satisfied with an assurance from my esteemed friend Mr. Wordsworth and my friend Khan Bahadur Jalaluddin Ahmed. After all what are assurances? If an assurance is given to-day that one year after this matter will be put into operation, I submit, Sir, that we can visualise the situation well enough. One year after it will be on the eve of the next general election, and I am sure the Hon'ble Minister will not have the time or inclination to depart from the steel-frame, because even the most honest Minister will try to use his department for the purpose of his next election.

Sir, Mr. Wordsworth's argument about costliness is absolutely hollow. After all good money has to be protected and, if necessary,

good money has got to be spent for that protection. Provincial Autonomy has proved to be most costly, but is it any argument to say that it is too costly an experiment to be tried at all? Independence will prove costlier on the part of Government, but that is certainly neither here nor there. These Ministers have proved costly, but we cannot get rid of them. We cannot get rid of even the Muslim Government or avoid things which have been hurled upon our heads. By all means we must avoid cost, but when it comes to a question of protection of the energies and resources of the people, by all means money has to be found, and to-day, Sir, instead of waiting for the year to come, merely vegetating upon the idle assurances of the Minister, we must demand that the Hon'ble Minister must forthwith find his way to accepting the amendment. He can, of course, postpone the operation of the entire matter for six months or for one year, but let us not be misguided by fallacious arguments. Let us not placate our conscience by arguments in which we do not agree. Let us not make one corruption take the place of another. There have been Ministers and ministries which have been corrupt and are dishonest, but all the same we desire our ministry to be perfect, clean and conscientious. Similarly, we may have institutions in India and in England which have not been beyond question and which have been found to be corrupted, but all the same in view of the future developments that are likely to take place in this department, we must take our stand firmly on our conscience and from to-day we must rebuild the department in such a way that it will not merely be a department in which the ministry will take pride but a department which will command the confidence of the entire public. (Loud cheers.)

Khan Bahadur A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, as one having some intimate knowledge about the working of the Provincial Co-operative Bank, I feel it my duty to repudiate the charges levelled against the Provincial Co-operative Bank as regards its audit. Formerly, the audit of the bank was done by Messrs. Roy and Roy and then by Messrs. G. Basu and Company, but in spite of the independent audit, this bank suffered a loss of nearly 23 lakhs of rupees in jute sale societies, and that at a time when we had a very competent Registrar in the person of the late Rai Jamini Mohan Mitra Bahadur. So, Sir, I would most respectfully submit that independent audit is not a panacea for all the evils from which a co-operative society or a co-operative bank may suffer.

Sir, I might say without any fear of contradiction that the present departmental audit is much more thorough than the so-called independent audit by Chartered Accountants, etc. In this connection I wish to draw your attention to the fact that in spite of independent audit there were defalcations in the Bengal-Nagpur Railway Co-operative Society, the Hooghly Central Bank, and the Ghatal Bank.

Dr. NALINAKSHA SANYAL: In the case of the Hooghly Bank there was no independent audit.

Khan Bahadur A. F. M. ABDUR RAHMAN: What my friend Dr. Sanyal says is apparently a hearsay knowledge; whereas what I am saying is from direct knowledge of an independent audit.

Dr. NALINAKSHA SANYAL: You are reading from the Registrar's notes.

Mr. SPEAKER: Order, order. Dr. Sanyal, you are going beyond the limits of Parliamentary etiquette in attributing motives to an honourable member of the House. You said that the Khan Bahadur was reading from the Registrar's notes—that is more than attributing a motive.

Dr. NALINAKSHA SANYAL: The honourable member said that what I said was all a hearsay, but I quoted from a judgment.

Mr. SPEAKER: But you cannot say that the Khan Bahadur was reading from the Registrar's notes.

Dr. NALINAKSHA SANYAL: I was just inquiring of the source of his information.

Mr. SPEAKER: But you cannot do that.

Khan Bahadur A. F. M. ABDUR RAHMAN: Sir, I submit that whatever Dr. Sanyal says about co-operative societies is nothing but hearsay, because he has not had the opportunity of studying the working of any co-operative society.

Dr. NALINAKSHA SANYAL: Thank God! I am no protégé.

Khan Bahadur A. F. M. ABDUR RAHMAN: My friend, you have not been able to be a protégé even though you tried to be so——

Dr. NALINAKSHA SANYAL: Of any Hon'ble Minister or any high officer of the Co-operative Department? (Laughter from Congress members.)

Khan Bahadur A. F. M. ABDUR RAHMAN: With these few words, Sir, I oppose the motion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have listened to this debate raised over clause 72 of this Bill, with regard to which three of my honourable friends have tabled several amendments suggesting mainly that audit should be separated from the general administration. I can assure the House that no one is more anxious than myself to see a thing of that nature being put into actual practice, and I did not expect that two of my honourable friends who gave a lead to this debate should have travelled far and wide in telling the House that that would be an ideal state of affairs, namely, that audit should be separated from the general administration, so far as the co-operative movement in this province is concerned. Sir, in opposing the amendment for recommittal on the 17th July last when I put forward my motion requesting this House to take the Bill, as reported by the Select Committee, into consideration, I pointed out that in presenting my first Budget under this head on the 2nd September, 1937, I had suggested that this would be one of the things that I would take up, so far as this department was concerned, in order that guarantee could be given to the investing public that their money was absolutely safe in the movement. Now, Sir, various things have been said and I would only request the House just to pause for a moment and consider if all the vile language that has been used has got anything to do with the main subject at issue—the expressions and language that they have used have got as much reference to the subject-matter as the cover of a book has got to its contents. It has been said that because audit was not separate, there have been these defalcations. Sir, may I respectfully ask my honourable friends who have put forward arguments of this nature to tell the House as to who it was who committed the defalcations. Do they seriously suggest that because the departmental officers did not do the audit in time, the persons who were entrusted with the management of a particular society should have advised to commit these defalcations? I do admit that audit was not done in time, but that is not the question at issue. The question that has been put forward is that because audit was not separate from the general administration, it was possible to have so many defalcations in this movement. If defalcactions have taken place, they have taken place either in some of the central banks of the province or in some of the societies. With regard to the two particular societies mentioned by Dr. Suresh Chandra Banerjee, I am extremely sorry to say that I have no direct knowledge of them. He has also referred to the case of defalcation at Tamluk in the district of Midnapore where defalcation was detected and the Secretary was properly punished, being sentenced to hard labour for three years.

Now, Sir, as I said, no one is more anxious than myself to have separation of audit from general administration put into actual practice. In point of fact, my friend, Mr. Satyapriya Banerjee, as a member of the Select Committee, knows very well that the Select Committee had prolonged discussion and debate over this matter. Now he

read only a portion of the report made under Chapter VIII of this Bill, and I would respectfully call the attention of the House to the last sentence where we observed thus: The ultimate object, however, is one which we regard as of the highest importance and we wish to record our confident expectation that Government will by executive action adopt every means in their power to secure that officers responsible for the audit of societies will as far as possible be completely independent of officers engaged in their day-to-day administration.

Now, I also pointed out——(Dr. NALINAKSHA SANYAL: That is a bluff!) That is your expression and not mine.

Now, following that, we have put the central banks of the province absolutely under a separate staff of audit officers. I pointed out about three years ago in connection with the Budget of mine that the department was suffering from a shortage of staff and the departmental officers had no training and that as soon as the staff would be enlarged and they would be put through a training, this would be one of the subjects that would be taken up for consideration. As a matter of fact, after the officers have been given training, we have put a large number of them absolutely for audit work in the central banks numbering about 120 in the province to-day. My friend, Khan Bahadur Abdur Rahman, as a Director of the provincial bank, has pointed out to the House as to how the audit of the Provincial Co-operative Bank is done. So far as this staff of audit officers are concerned, they are placed absolutely under the Divisional Officers and the latter again work under the Chief Auditor.

Again, it has been said that the Chief Auditor is no more than an adviser to the Registrar. Now, it must be admitted that that is one of his duties because with regard to audit and with regard to whatever may appear in the audit notes, it is he who must be the technical adviser to the departmental head and nobody can get away from that fact. It must be the general administration of the department which can put these mistakes right and can direct the societies to rectify the mistakes that appear in the audit. That being the position, I fail to see how we differ from one another as to what the aim of the department ought to be so far as the audit work is concerned. Sir, my esteemed friend, the Chairman of the Provincial Bank, Mr. Wordsworth, has pointed out how these things are being done. It may be mentioned to the House at this stage that so far as village societies are concerned, the number of which is about 30,000 or more, it is not a practical proposition to separate audit from general supervision. Whenever an Auditor is called upon to audit the affairs of a village society, he has got to show and give lessons to the society as to how the books of accounts have got to be kept and as to how they should develop their internal affairs so that they may really act in a co-operative spirit and help one another in that spirit. So, as far as the village societies are

concerned, it is not a practical proposition at the present moment to separate audit from general supervision. In point of fact, nowhere it has been suggested that, so far as the village societies are concerned, anything serious has happened which calls for immediate separation of audit from general supervision. Regard being had to the point of view that the Select Committee took in this matter, I respectfully submit that this is not a serious question which calls for immediate attention. So far as the affairs of central banks are concerned, they have been put absolutely under a separate staff of audit officers. (Dr. NALINAKSHA SANYAL: That is a bluff.) I would not stoop so low as to answer these vile interjections.

Now, as regards the various cases that my friend, Dr. Sanyal, had taken pains to mention to the House, I may say that these are the few cases which he has mentioned to the House *ad nauseum* not only through questions but at the time of the Budget discussion as well, and it fell to my lot to point out to the House in reply as to what the facts were. It has now been pointed out on the floor of the House by my friend, Khan Bahadur Abdur Rahman, with regard to the Hooghly Central Bank and a few others that they were absolutely under independent audit. So far as the observation of the learned Assistant Sessions Judge is concerned, I may say that he would not have made an observation of that nature if he had gone through the evidence of the case——(Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is the Hon'ble Minister justified in casting reflection on the judgment of a court?) I am pointing out to the House what the facts were. It has been pointed out in evidence that the books were audited by a body of Incorporated Accountants and that it was an officer of my department who detected that defalcation and on the basis of this detection, a criminal case was instituted resulting in the conviction of the Secretary and his cousin. Sir, I will not go further into this matter.

Now, Sir, I am indeed thankful to my friend, Mr. Sasanka Sekhar Sanyal, who has put forward an ideal state of things. I am certainly at one with him when he suggests that the administration should be so much purified as to create a feeling of confidence and respect in the whole movement. I am really thankful to him for having pointed this out to me, and I can assure him that nobody is more anxious than myself to see the state of things develop in that line. I will not say that we have not made mistakes in the past. The department has made mistakes in the past. But that is no reason why we should not be allowed to go on and rectify those mistakes and by correcting those mistakes, to be able to put this movement on the right footing. Sir, it is with this object in view that I have taken very great pains to frame this Bill and put it forward for the consideration of the House. Coming to the merits of the amendments, I submit, that in view of the steps already taken and

in view of what is proposed to be taken, there is no reason why any o these amendments should be accepted. On the contrary, if the amend ments were accepted, it would not only involve Government in furthe expenditure of money, but it would land them into greater difficulties for if we are to take a staff for the purpose of audit work, we must hav an equal number of officers for general supervision work. That als would cost much, and unless the House will be good enough to vote fo that expenditure, it would be premature on the part of the Governmen to come forward with a request of that nature. We have no dat before us nor have we been able to gather any result on the basis of pas experience. These are matters on which we have got to be satisfie by experience. We are requesting this House to give us this help, s that we may be able to give things their actual shape and may be abl to come forward hereafter with the request either to amend this Act o to take further steps on the basis of experience.

With regard to the three amendments moved by Mr. Sibnath Banerjee, the first of them does not require any further argument from me. I have already met that point.

With regard to the second amendment where he says "the audit fee should not exceed 4 annas per hundred of working capital" I submit that it is a matter of detail. If my friend had known how things are done, he would have known that at least for the first year and a half, no audit fee is charged from any society. It is charged upon the working capital of the society where the society is able to bear that. When any difficulty is pointed out, the head of the department has got the power to remit the fee, and in fact, many audit fees have been remitted.

With regard to his amendment No. 266 where he says that "if the audit is not completed within six months of the close of the financial year no audit fee shall be charged on the co-operative society," he is forgetting the provision of clause 21 which has already been agreed to by this House. Clause 21 says that an annual general meeting will have to be convened at least in every co-operative year and then under the proviso of sub-clause 2 it has been definitely said that not more than 18 months shall lapse after the date of the last preceding meeting. In any case, one annual general meeting should be held before the expiry of 18 months after the first one was held. That shows clearly that the point has been taken into consideration. Many things have been done in the past and these have been rectified or are being rectified. Therefore I submit on the basis of that experience, there is hardly any justification for the amendments that have been moved. I oppose all the amendments.

Mr. SPEAKER: The question before the House is that the amendments of Mr. Satyapriya Banerjee, Nos. 92, 94 and 96——

Dr. NALINAKSHA SANYAL: Would you kindly separate the spirit and the wordings, so that there need not be two sets of voting.

Mr. SPEAKER: I understand a division is going to be called on one of these amendments. If you tell me on which amendment you are going to call a division, I will first put that amendment.

Dr. NALINAKSHA SANYAL: Let the main question as to separation of audit from administration be put separately, and then if that is lost, let the two specific motions of Mr. Banerjee and mine be put. Anyway, you are at liberty to put the questions in the form you think best.

Mr. SPEAKER: I shall just find out. I think amendment No. 93 specifically raises that issue. So I will put that amendment first and other amendments later.

The motion of Dr. Nalinaksha Sanyal that in clause 72 (*1*), line 3, after the word "by" the words "an authority appointed by the Provincial Government and independent of" be inserted, was then put and a division taken with the following result:—

AYES—56.

Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Joges Chandra.
Hasan Ali Chowdhiry, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maqbul Hossain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Baroda Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisheri Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Shahedali, Mr.
Shamsuddin Ahmad, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—83.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A.M.
Abdul Majid, Mr. Syed.

Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A.F.M.
Abdur Raschid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi s.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Badrudduja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A.M.L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.I.E.
Shamsuddin Ahmed Khondkar, Mr.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.

The Ayes being 56 and the Noes 83 the motion was lost.

The motion of Mr. Satyapriya Banerjee—

"that in clause 72 (*1*), lines 3 and 4, the words 'by the Registrar or' be omitted;

that in clause 72 (*1*), line 4, after the word 'officer' the words 'or by such other officers' be inserted;

that after clause 72 (*1*), the following new sub-clause be inserted, namely:—

'(*1a*) The Provincial Government shall appoint an audit officer referred to in sub-section (*1*) and shall maintain a special staff for the purpose of co-operative audit independent of the Registrar and the Co-operative Department'.",

were then put and lost.

The motion of Dr. Nalinaksha Sanyal—

"that in clause 72 (*1*), line 4, for the word 'him' the words 'the Provincial Government' be substituted.",

was then put and lost.

The motions of Mr. Sibnath Banerjee, viz.—

"that in clause 72 (*2*), line 3, after the word 'prescribed' the words 'not exceeding annas 4 per hundred of working capital' be inserted," and

"that after clause 72 (*2*), the following new sub-clause be added, namely:—

'(*3*) If the audit is not completed within six months of the close of the financial year no audit fee shall be charged on the co-operative society'.",

were then put and lost.

The question that clause 72 stand part of the Bill was then put and agreed to.

Clause 2.

The motion of Dr. Nalinaksha Sanyal that clause 2(*b*) be omitted was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

Adjournment.

It being 8 p.m.—

The House was adjourned till 4-45 p.m. on Tuesday, the 30th July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 30th July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 210 Members.

STARRED QUESTIONS

(to which oral answers were given)

Publication of remarks passed by the Text-Book Committee.

***86. Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the marks and remarks given by the members of the Text-Book Committees to the authors and publishers are published for general information?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government contemplate the publication of the same for the future guidance of the authors and publishers?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) It is laid down in the rules for the working of the Bengal Text-Book Committee that authors and publishers shall not as a matter of right be informed of the reasons why a book has not been included in the approved list. In the case of books which are approved subject to the removal of defects it is obvious that authors and publishers must be informed of such defects.

Maulvi AZHAR ALI: With reference to answer (*b*), where it is said "in the case of books which are approved subject to removal of defects, etc., etc.," will the Hon'ble Minister be pleased to state how books are approved with defects subject to correction?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, ordinarily if there are very serious defects they are not approved, but if there are minor defects, some direction is given. That is how they are approved subject to correction.

Maulvi AZHAR ALI: Is there not undue indulgence and favouritism?

Mr. SPEAKER: That question does not arise.

Reduction of rent to tenants of Jyoty Bhushan Banerjee's estate in Chittagong.

*87. **Khan Bahadur MD. ANWARUL AZIM:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the *raiyats* of *char* Maghadia and *char* Sarat Chandra Mirsarai, Chittagong, have been trying for the reduction of rents payable by them to the estate of Jyoty Bhusan Banerjee under the management of the Chittagong Court of Wards since 1934; and

(*ii*) that a memorial was submitted to the Board in 1934 for the purpose?

(*b*) If so, will the Hon'ble Minister be pleased to state whether any relief was given to them?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(1) to what extent,

(2) on what grounds; and

(3) in respect of which mahal,

the reduction was granted?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) A memorial to that effect was submitted to the Board of Revenue in 1934 on behalf of the tenants of *char* Maghadia.

(*b*) Yes.

(*c*) (1) Annual rent was reduced to Rs.10 per *Shahi Kani* from the original rate of Rs.12 (one *Shahi Kani* is equal to 1·60 acre).

(2) On the ground of hardship.

(3) For the entire Mahal *Char* South Maghadia.

Supply of coins in exchange of ten-rupee and five-rupee notes.

*88. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware—

(*i*) that changes of ten-rupee and five-rupee currency notes are not available in the market in Bengal;

(*ii*) that money-changers demand commission of two annas and one anna in changing ten-rupee and five-rupee notes respectively?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action the Government propose taking for the supply of coins in exchange of ten-rupee and five-rupee notes?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): The member is referred to the reply given to short notice starred question No. 55A asked by Mr. Sibnath Banerjee in the current session of the House.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that since that reply one-rupee notes have been put into circulation in the Calcutta market?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not see, Sir, what difference my awareness is going to make.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of representing to the Government of India that one-rupee notes printed on thin paper would not suit the labouring classes and other population of Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. We shall wait and see.

Mr. SPEAKER: I would not be happy without it! (Laughter.)

Dr. NALINAKSHA SANYAL: You do not belong to the labouring class, Sir. (Renewed laughter.)

Mr. CHARU CHANDRA ROY: Sir, মাননীয় মিনিষ্টার মহাশয় 55A নম্বরের প্রশ্নের উত্তরে বোলেছিলেন যে যথেষ্ট silver গভর্ণমেণ্টের তহবিলে আছে ; এত silver থাকা সত্বেও এই এক টাকার নোট বের হবার কারণ কি ?

Mr. SPEAKER: That question does not arise.

Transfer of Mr. Fazlur Rahman of the Bengal Civil Service from Malda.

*89. **Mr. ATUL CHANDRA KUMAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many years Mr. Fazlur Rahman of the Bengal Civil Service has been in the district of Malda as—

(1) Circle Officer;

(2) Deputy Magistrate; and

(3) in other capacities?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that he was transferred from Malda a few years ago but was again posted in the district of Malda; and

(*ii*) that the said officer was recently transferred and his transfer was gazetted in the *Calcutta Gazette*?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether his transfer has been cancelled or is being proposed to be cancelled?

(*d*) If so, will the Hon'ble Minister be pleased to state the reason therefor?

(*e*) Do the Government contemplate the transfer of the said officer from the district?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (1) For about 5½ years though not continuously.

(2) Since the 2nd January, 1940.

(3) Nil.

(*b*) Yes.

(*c*) It has been cancelled.

(*d*) In the interest of the public service.

(*e*) Not at present.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if the Officer's transfer which was only published in the *Calcutta Gazette* about two weeks ago, was cancelled in the interests of public service or in the interests of the ensuing District Board election?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, in the interests of public service.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what is the normal tenure of a particular officer in a particular place?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a rule for Deputy Magistrates, the normal period is from two to three years. The Circle Officers are, I believe, for a longer period.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Government have considered the question that intimate knowledge of the public of the place in the capacity of a Circle Officer disturbs the detachment which is a necessary ingredient of a Judicial Officer, viz., Deputy Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this is a matter of opinion, but I may point out that this Officer at the present time is not acting as a Circle Officer. He was a Circle Officer there and I believe he went away for a time and he has now come back as Deputy Magistrate.

Mr. SASANKA SEKHAR SANYAL: Was he not working as a Circle Officer in the same station, where he is now Deputy Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: That often happens.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if the transfer was arranged in the interests of public service as much as the cancellation of the transfer, which also has been in the interests of public service?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. In this case the transfer was made from here. Then we learnt that he has been appointed Census Officer, and therefore we have cancelled the transfer. After the census is over the transfer will take place.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what are the extraordinary qualifications of Mr. Fazlur Rahman that it has been thought necessary to retain him for six years at a stretch?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state the Government policy in the matter of re-posting Circle Officers as Subdivisional Officers or District Officers in the same district?

Mr. SPEAKER: He has already stated that it often happens.

Mr. SASANKA SEKHAR SANYAL: But I want to know the policy of the Government in that matter, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: The nature of work is absolutely different. The Deputy Magistrate, who is not a Subdivisional Officer has nothing to do with the administration as a rule.

Mr. SASANKA SEKHAR SANYAL: Is he or is he not a trying officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, but what has that got to do with the Circle Officer?

Dr. NALINAKSHA SANYAL: With reference to the last reply to my question, will the Hon'ble Minister be pleased to throw more light if it was not known to the department, when the transfer was arranged that he was going to be appointed by the department for doing census work?

The Hon'ble Khwaja Sir NAZIMUDDIN: Census work in the district is an additional work, which is done entirely by the District Magistrate, and Government do not know anything until the District Magistrate imposes the duty on him.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the said officer who had served as Circle Officer before was transferred to Malda on 2nd January and subsequently promoted as Deputy Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that his transfer has been cancelled at the request of some Coalition member?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, that is not correct.

Conduct of Police Superintendent of Bakarganj.

*90. **Srijut NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that in July, 1939, a body of workers approached the District Magistrate of Barisal when he was out on a tour in North Bakarganj to place before him the grievances of the peasants;

(*ii*) that the leader of the deputation was beaten by the Superintendent of Police;

(*iii*) that a suit was filed against the Superintendent claiming damage for the assault on his person;

(*iv*) that the lower as well as the appellate court awarded decree against the Superintendent; and

(*v*) that the learned Judge when disposing of the appeal filed by the Police Superintendent made a remark against his conduct?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, the Government have taken or they propose to take against the said Police Superintendent?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes. (The incident occurred in April and not in July.)

(*ii*) to (*iv*) Yes.

(*v*) The judgment of the appellate court is placed on the Library table.

(*b*) The appellate court in its judgment remarked that this was a case of a "thoughtless act" by an "over zealous officer".

Under the circumstances and considering that the Superintendent of Police has had to pay the damages awarded by the court, it is felt that no further action is necessary. The Superintendent has since been transferred from the district.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state the amount of damages awarded by the Court and paid by the Superintendent?

The Hon'ble Khwaja Sir NAZIMUDDIN : I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in the judgment the learned Additional Sessions Judge Mr. Hattiangadi remarked that the damages were very nominal?

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, I have placed the judgment on the Library table.

Dr. NALINAKSHA SANYAL : My next question will follow. In view of the fact that the damages were considered to be nominal, does Government consider the desirability of inflicting further punishment on the Superintendent in question?

The Hon'ble Khwaja Sir NAZIMUDDIN : No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this Superintendent who has been found to have indulged in thoughtless acts and who is also characterised as an overzealous officer, has thereby contravened any of the conduct rules of the police?

The Hon'ble Khwaja Sir NAZIMUDDIN : No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the service conduct rules of the police such acts are permitted?

Mr. SPEAKER : The conduct rules do not provide for any such thing.

Dr. NALINAKSHA SANYAL : Sir, I would like to know the service rules of the police, as to whether——

The Hon'ble Mr. H. S. SUHRAWARDY : It is forbidden.

Dr. NALINAKSHA SANYAL : My impression was that it was forbidden, but I wanted to know whether such acts are in consonance with the service conduct rules of the police.

The Hon'ble Khwaja Sir NAZIMUDDIN : You mean thoughtless acts on the part of an overzealous officer?

Dr. NALINAKSHA SANYAL : No, no. I mean the act of assaulting innocent people without any justification.

Mr. SPEAKER : Surely that cannot be provided for in the conduct rules.

Dr. NALINAKSHA SANYAL: Sir, in the police conduct rules it is stated "You must not assault people or tyrannise over the public". That is specifically mentioned there. I shall be prepared to show that

if necessary. In answer to another question, the Hon'ble Minister quoted that. Now, will the Hon'ble Minister be pleased to state if any action has been taken or contemplated to be taken against this officer, if it is found that his conduct has been contrary to the conduct rules?

The Hon'ble Khwaja Sir NAZIMUDDIN : As I have already stated, Sir, Government consider that whatever mistake has been made or whatever act has been done contrary to the rules, as alleged by the honourable member, for that the Superintendent of Police has had to pay the penalty and he has been transferred; and Government consider that sufficient.

Mr. SASANKA SEKHAR SANYAL : Will the Hon'ble Minister be pleased to state whether, apart from any action, this conduct on the part of the Superintendent, which has been penalised by the judiciary, has been treated as an act of delinquency?

The Hon'ble Khwaja Sir NAZIMUDDIN : I would refer the honourable member to answer (*b*).

Mr. DHIRENDRA NATH DATTA : Will the Hon'ble Minister please state who will bear the cost of the litigation—Government or the Superintendent?

The Hon'ble Khwaja Sir NAZIMUDDIN : I ask for notice, Sir.

Mr. SASANKA SEKHAR SANYAL : Sir, my question has not been answered. I wanted to know whether, apart from any action proposed to be taken against this officer, he has been treated as a delinquent. The Hon'ble Minister says that the answer to this question is covered by answer (*b*), but I submit, Sir, that it is not.

Mr. SPEAKER : That is a matter of opinion.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he has been transferred to a new district again as a Superintendent of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN : The officer has been transferred from Barisal to Bankura.

Dr. NALINAKSHA SANYAL: Is this transfer a form of punishment?

The Hon'ble Khwaja Sir NAZIMUDDIN : I would refer the honourable member to my reply (*b*).

Dr. NALINAKSHA SANYAL : I have seen that. I have also referred to that. It is stated there that the Superintendent has since been transferred from the district.

Mr. SPEAKER : The Hon'ble Minister has said that the officer has been transferred from Barisal to Bankura.

Dr. NALINAKSHA SANYAL : Has there been any reduction or diminution in the emoluments or advantages or comforts of this officer as a result of the transfer?

The Hon'ble Khwaja Sir NAZIMUDDIN : No, Sir. As far as the emoluments are concerned, mere transfers from one district to another do not make any difference.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what way this officer has suffered as a result of this transfer?

Mr. SPEAKER : He has been transferred from a very important district.

The Hon'ble Khwaja Sir NAZIMUDDIN : If an officer is transferred without any reason before his time from one district to another it may be treated as a sort of reflection on the officer, and it is considered as a sign of the disapproval of Government.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Improvement of Tangail-Karatia Road.

43. Maulvi MASUD ALI KHAN PANNI: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the District Board Road from Tangail to Karatia, a distance of 4 miles, is one of the jute-carrying roads of the subdivision of Tangail in the district of Mymensingh;

(*ii*) that there is a first grade college at Karatia which is attended to by many students residing at the Tangail town;

(*iii*) that there is a public demand for the improvement of the said Tangail-Karatia Road; and

(*iv*) that the Hon'ble Chief Minister during his visit to Karatia promised to give effect to the proposal of the local public?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken in this matter?

(*c*) Do Government consider it desirable to include the Tangail-Karatia Road within the Mymensingh-Tangail Road Development Scheme?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) Statistics regarding the volume of jute traffic are not available.

(*ii*) I have no doubt that the honourable member is correct.

(*iii*), (*iv*), (*b*) and (*c*) The Hon'ble the Chief Minister has brought the wishes of the people of the neighbourhood to my notice. The road is of purely local importance and I do not think that it can properly be included in the scheme for the reconstruction, at the expense of the Petrol Fund, of the Mymensingh-Tangail Road. I propose to discuss the question of improving the road with the District Board, to whom I shall suggest that the work might be financed from their share of the proceeds of the Motor Vehicles Tax.

Government grants to non-Government secondary schools for girls during 1939-40.

44. Khan Bahadur HASHEM ALI KHAN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing, school by school, the details of expenditure incurred up to date out of Rs.1,00,000 sanctioned for 1939-40 for non-Government secondary schools for girls?

(*b*) How much of the amount, if any, is still left unspent?

(*c*) How do the Government propose to spend this unspent balance?

(*d*) Will the Hon'ble Minister be pleased to state how much of the amount placed at the disposal of the Inspectress of Schools, Dacca Circle, has been spent for high English and middle English schools, respectively, conducted purely for—

(1) Muslim girls, and

(2) other girls?

(*e*) Is the Hon'ble Minister aware that the Muslim females are backward in education?

(*f*) If so, is the Hon'ble Minister considering the desirability of allotting a sum to be spent annually in recurring and non-recurring charges for the advancement of Muslim female education in secondary schools run purely for Muslim girls?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The honourable member is referred to the statements given to clause (*b*) of starred question No. 70 asked by Maulvi Md. Hasanuzzaman, M.L.A., on the 25th July, 1940.

(*b*) and (*c*) The small saving of Rs.52 was merged into the general allotments.

(*d*) (1) Girls' schools reserved for Muslims—Rs 1,080.

(2) Other girls' schools—Rs.13,900.

(*e*) Yes.

(*f*) Almost all the existing Muslim girls' schools (high English and middle English) already receive grants from the department. It is not, therefore, considered desirable to reserve a portion of the grant either recurring or non-recurring for purely Muslim girls' schools. This question will, however, be considered when more such schools apply for grants to this department and when more money becomes available in the budget.

Process-servers of Criminal Courts.

45. Mr. DHANANJOY ROY: With reference to the reply given to clause (*a*) of starred question No. 29 on the 3rd August, 1938, will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the Government have decided the matter, and

(*b*) if so, what is the result of their decision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The matter is still under the consideration of Government.

(*b*) Does not arise.

46. Mr. SERAJUL ISLAM: (*a*) With reference to the reply given to starred question No. 1 on the 29th July, 1937, will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the system of granting leave on average pay to the process-serving establishment, like the Civil Court establishments, has since been introduced in the criminal side?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how many paid probationers have been appointed for this purpose?

(*c*) If no such probationer has yet been appointed, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Not yet.

(*b*) and (*c*) Do not arise.

Extension of Bengal (Rural) Free Primary Act, 1930, to Municipal areas.

47. Mr. MIRZA ABDUL HAFIZ: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the operation of the Bengal (Rural) Free Primary Act, 1930, has been excluded from Calcutta and other municipal areas?

(*b*) If so, is the Hon'ble Minister considering the desirability of taking steps for the amendment of the aforesaid Act for making the Act applicable to the city of Calcutta and municipal areas of the Province?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) As conditions in urban and rural areas differ widely from each other, they should preferably be governed by two different Acts as at present. The question of amending the Primary Education Act, 1919, so as to ensure the provision of adequate facilities in all municipalities is now under my consideration.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how long it may take to make provision for adequate facilities in all municipal areas which would serve the purpose?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to specify in what period it can be done, but we are working.

Communal ratio of clerks in certain Government offices under Communications and Works Department.

48. Mr. DAMBER SINGH GURUNG: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing the present number of—

(*a*) Hillmen (Nepalese, Bhutia and Lepcha),

(*b*) Bengali Hindu,

(*c*) Behari or men from other provinces,

(*d*) Muslims, and

(*e*) Scheduled Caste,

clerks in the higher and lower grades in the offices of the—

(*i*) Superintending Engineer,

(*ii*) Executive Engineer, and

(*iii*) Public Works Department Subdivisional Officers,

at Darjeeling, Kalimpong, Kurseong and Siliguri?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The following statement gives the desired information. The numbers are exclusive of the Divisional Accountant and Passed Accounts Clerks who are subordinate to the Accountant-General.

Statement referred to in the reply to unstarred question No. 48, showing the present number of Hillmen, Bengali Hindu, Bihari or men from other Provinces, Muslim and Scheduled Caste clerks in the higher and lower grades in the offices of the Superintending Engineer, Executive Engineer and Public Works Department Subdivisional Officers at Darjeeling, Kalimpong, Kurseong and Siliguri.

Name of office.	Hillmen.	Bengali Hindus.	Biharis or men from other Provinces.	Muslims.	Scheduled Castes.
Higher Grade.					
Superintending Engineer, Northern Circle.	..	(a)7	..	..	..
Executive Engineer, Darjeeling Division.	..	(c)4	..	(d)2	..
Subdivisional Office, Communications and Works, Department—					
Darjeeling ..	..	..	..	..	..
Kurseong ..	..	..	..	..	..
Kalimpong ..	..	..	..	..	..
Siliguri ..	..	..	..	..	..
Lower Grade.					
Superintending Engineer, Northern Circle.	1	2	..	4	(b)1
Executive Engineer, Darjeeling Division.	1	5	..	3	..
Subdivisional Office, Communications and Works Department—					
Darjeeling ..	..	1	..	..	..
Kurseong ..	..	1	..	..	..
Kalimpong ..	..	1	..	..	..
Siliguri ..	..	1	..	..	..

(a) Includes 2 Estimators and 2 Draftsmen who are classed as clerical (special).
(b) Not yet joined.
(c) Includes 2 Estimators who are classed as clerical (special).
(d) Two Draftsmen who are classed as clerical (special).

Mr. MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the communal ratio in the services was taken into consideration by the appointing authority at the time of those appointments?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may state for the information of the House that in the Darjeeling district the communal ratio which has been adopted for other parts of the province, are not followed, as the hillmen get a preferantial treatment.

Entry into the Assembly Building.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I draw your attention to the inconvenience felt by friends of members who desire to see them in the Assembly Building because of the new rule that you have been pleased to promulgate that nobody should be allowed inside the precincts of the building unless he is previously given admit cards. It is the practice in every Legislature that persons—friends of members and visitors—who want to see the members in the Assembly or Council Halls are given facilities to see them. In the Mother of Parliaments—I mean in the House of Commons—also this practice is followed. May I submit, Sir, that you will be pleased to withdraw this order so that we may conveniently meet people who want to represent their grievances to us. So far as the Visitors' Gallery is concerned, there are already rules to control——

Mr. SPEAKER: There is limited space here. I shall see if we can find out some convenient place in the new office where the visitors can come and wait. If necessary, we will have a small passage through it. I will look into the matter.

Dr. NALINAKSHA SANYAL: Sir, it has all along been the practice for visitors to wait in the western verandah.

Mr. SPEAKER: But unfortunately my experience is that visitors come and do not observe the rules intended for them. I am speaking here both from your side as well as from the Ministerial side. I may say that I have been compelled to frame this new rule owing to the great inconvenience that was being experienced. Of course, I may allow the visitors half an hour before the Assembly session, but during the Assembly session, they must observe the rules.

Dr. NALINAKSHA SANYAL: Sir, they are not allowed to enter the verandah even.

Mr. SPEAKER: What I can do—of course, that is a matter for the Government—is that we can have a telephone at the gate and the visitors can in that case immediately get in touch with the members concerned.

Dr. NALINAKSHA SANYAL: But there are no sheds there.

Mr. SPEAKER: As a matter of fact, I am trying my best to have a shed there.

Dr. NALINAKSHA SANYAL: Sir, in the meanwhile, so long as these are not arranged, would you very kindly allow——

Mr. SPEAKER: All I can say is that I will look into the matter, and, if possible, I will try to find some accommodation in the new hut. The visitor will wait there and as soon as he gets the card, he will be brought in.

Dr. NALINAKSHA SANYAL: Sir, I had to wait the other day for about 15 minutes to find out where my friends were and I got the visiting cards delivered to me after about 20 minutes.

Mr. SPEAKER: I will let you know to-morrow what arrangements can be made. I do realise the difficulty that is being experienced now. I personally feel that there are occasions when people from mufassal do come and they are put to great inconvenience. I am prepared to give them every facility. I am trying to find out some room if possible, and I will let you know to-morrow what is possible.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1938.

Clause 73.

The question that clause 73 stand part of the Bill, was then put and agreed to.

Clause 74.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 74 (*1*) (*e*), in line 1, after the word "business" the following words be inserted, namely:—

> "including an examination of all documents, bills, resolutions, orders and vouchers relating to all receipts, payments, transfers, deposits and other transactions for and in connection with the business of the society."

Sir, clause 74 (*1*) refers to the nature of audit and sub-clause (*e*) generally states that the audit under section 72 shall include among others an examination of the transactions of the business. "Transactions of the business" becomes a little too vague. There are different items relating to different categories under audit work and sub-clause (*e*) refers to "transactions of the business" which is rather too vague. Sir, in my amendment, I have tried to analyse the various transactions which ought really to be examined by the Audit Officer or the Auditor concerned. In fact, I was subsequently relieved to find—I might say—that the Hon'ble Minister in charge also has tabled certain amendments on this very sub-section.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Does not amendment No. 96 of mine satisfy the honourable member?

Dr. NALINAKSHA SANYAL: Of course not. I am going to oppose it. The Hon'ble Minister is very clever. He is going to substitute a sub-clause which will keep out other transactions except the monetary transactions. He is very clever.

Mr. SPEAKER: I do not think you are less clever! (Laughter.)

Dr. NALINAKSHA SANYAL: The present sub-rule is too wide and the Hon'ble Minister's amendment is too narrow. Here it is in general terms and the Hon'ble Minister has specifically mentioned monetary transactions only. I submit that the Auditor should have some amount of freedom to go into the nature of all transactions.

Mr. SPEAKER: Your idea is that it should be transactions including monetary transactions.

Dr. NALINAKSHA SANYAL: Yes, Sir. I will be satisfied with that.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I mean is that the Auditor is only expected to examine the policy of a society.

Mr. SPEAKER: In your original Bill, it was "examination of the transactions of the business" and instead of "business" Dr. Sanyal wants to substitute "examination of the transactions including monetary transactions."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think we shall accept that.

The motion of Dr. Nalinaksha Sanyal that in clause 74 (*1*) (*e*), in line 1, after the word "business," the following words be inserted, viz.—"including an examination of all documents, bills, resolutions, orders and vouchers relating to all receipts, payments, transfers, deposits, and other transactions for and in connection with the business of the society," was then by leave of the House withdrawn.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 74 (*2*), line 1, the words "authenticated" be omitted.

Sir, I also beg to move that in clause 74 (*2*), lines 1 and 2, for the word "prepared" the word "audited" be substituted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I accept both the amendments.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 74 (*2*), line 3, the words "unless modified by the Registrar" be omitted.

Sir, I could not possibly imagine that the audited statement of accounts of a co-operative society could be subject to modification by the Registrar. It is something astounding and preposterous that the Registrar who has of course got wide powers in other respects would also have power to change or recast or modify even the audit report of a society. There is a limit to the power given to the Registrar and this is something which goes beyond all conception.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in paragraph (*b*) of clause 74 (*1*), lines 2-3, for the words "by the society's debtors" the words "from the debtors of the society" be substituted.

I also beg to move that for paragraph (*e*) of clause 74 (*1*), the following paragraph be substituted, namely:—

"(*e*) an examination of the transactions including monetary transactions of the society, within such limits as may be prescribed."

I further beg to move that for paragraph (*f*) of clause 74 (*1*), the following paragraph be substituted, namely:—

"(*f*) an examination of the statement of accounts to be prepared by the managing committee in such form as may be prescribed."

With regard to the objection of my friend Dr. Sanyal to the words "unless modified by the Registrar" in sub-clause (2) of clause 74 my submission is this: that it is not designed that every audit report should be dealt with in that way, but power ought to be given to the Registrar whereby——

Dr. NALINAKSHA SANYAL: I am thankful that every audit report is not going to be changed. We are relieved!

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I expected that a responsible member of the House would appreciate the necessity of putting in those words.

Dr. NALINAKSHA SANYAL: It is a criminal offence under the Indian Companies Act.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I refuse to answer this sort of interjection.

I was going to place before the House——

Mr. NISHITHA NATH KUNDU: No use trying to explain.

Mr. SPEAKER: I think you better leave the House and allow him to explain.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If a report is challenged by the members of a society, the Registrar will be called upon to deal with that objection and after that he has got to satisfy himself whether the objection taken is justified or not. On that objection, the Registrar has got to give some decision. It is from that point of view that those words have been put in.

Mr. SPEAKER: That the Registrar may modify the order in which effect is to be given, can be understood. After all, he cannot change the statement of accounts. After a statement of account is prepared, you say, orders have to be passed on that, and I think there ought to be a separate clause to this effect. Is there any such clause? What is the meaning of "final" and "binding"?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All these objections are heard and decided upon by the Registrar—the auditor's report on the one point, and the objections tendered by the society on the other.

Mr. SPEAKER: But the language is not very happy.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is how we have been able to put.

Dr. NALINAKSHA SANYAL: You know very well that courts of law do not go by the Hon'ble Minister's assurance or by discussion in this House. They would go by the language of this section and this language, if it is placed before any court, would prove that we have been so many idiots sitting in this House.

Mr. SPEAKER: Please leave me out. I do not want to be in that list!

Dr. NALINAKSHA SANYAL: Of course excluding you, Sir. If that is the intention let it be clear. Section 75 states what should be the procedure after the audit report is received, and I think one clause may be inserted wherein the intention may be made clear as to the possibility of the Registrar accepting or otherwise certain suggestions that the auditor may make in his audit report. It is not fair to change the audit report altogether, or to modify the audit report in order to decide what action is to be taken. A note on that might have been quite sufficient for that purpose. It is not certainly in any way relevant in section 74; rather it is misplaced over there.

Mr. SPEAKER: The Registrar should have the authority to give directions.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: And also to take a decision if there is any objection by the members of the society on the report of the auditor, because there have been instances where members have refused to accept the report.

Mr. SPEAKER: The auditor's report is one thing and an authenticated statement of accounts is quite another thing.

Dr. NALINAKSHA SANYAL: The word "authenticated" is being deleted.

Mr. SPEAKER: An authenticated statement of accounts, they say, you cannot change. You may change a recommendation, but how can you change a statement of accounts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My amendment No. 99 where I have said that for the word "prepared" the word "audited" be substituted meets the point. Therefore, Sir, it is not only the authenticated statement of accounts thus prepared but as audited by the auditor.

Dr. NALINAKSHA SANYAL: That makes the thing worse. As a matter of fact, that I think leaves the auditor's report without the word "authenticated" there.

Mr. SPEAKER: Who prepares the authenticated statement?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is prepared by the society.

Dr. NALINAKSHA SANYAL: As a matter of fact, the original drafting was defective in the sense that it might mean that the accounts were to be prepared by the auditor also. Subsequently a drafting improvement has been made to the effect that a statement of accounts prepared by the society will be audited by the auditor, and, therefore, the word "authenticated" has been removed, but the audited statement of accounts remains, and this cannot be allowed to be modified. That is our submission. The recommendation of the auditor, if any, on the basis of that statement of accounts may or may not be acted upon or partially acted upon on the representation of the societies concerned. That may be provided for under any sub-section of section 75, but certainly it does not come under section 74, and it should not be in the power of the Registrar to change or modify the auditor's report.

Mr. SPEAKER: What I say is this. Suppose a society says that there is an overdue draft of Rs. 10,000. The auditor says that it is Rs. 5,000, and an objection is made before the Registrar. In that case need not the statement of accounts be changed?

Dr. NALINAKSHA SANYAL: The statement of accounts prepared by the auditor should be there. The Registrar will put up a note as in the case of a Munsif's judgment being reversed by the District Judge.

Mr. SPEAKER: There is a danger. I think you have got a section under which this audited statement of accounts is liable to public inspection, and unless the modified thing is there, there is a danger.

Dr. NALINAKSHA SANYAL: The Registrar's note will be there. What happens nowadays with regard to companies? In regard to companies similarly the Registrar of Joint Stock Companies is not bound to accept the whole of the auditor's report and sometimes it so happens that on the basis of the auditor's report——

Mr. SPEAKER: There has been enough debate. The Government's contention is that it is quite possible to change the report; for example, the valuation of asset, the auditor finds the valuation of asset to be say Rs. 5,000. The society objects; it says Rs. 10,000. The Registrar then has to come to a finding. To that extent the provision is necessary.

Rai HARENDRA NATH CHAUDHURI: In that case that question cannot arise under section 74. Section 74 makes provisions of the nature of audit. It does not relate to anything after audit, but clause 74 (*2*) relates to post-audit affairs. Therefore it ought to come under section 75.

Dr. NALINAKSHA SANYAL: No; it would come after, because the word "prepared" is now being substituted by the word "audited".

Rai HARENDRA NATH CHAUDHURI: What does section 74(*2*) relate to? It simply provides to what extent the audit statement will be binding on the societies. In that case it will surely be the recommendation made or rather the statement of accounts prepared by the auditor that will be subject to revision by the Registrar. Why? Probably because to limit or to specify in which matter the auditor's report will be binding on the society. But it is after the auditor's report is prepared that the question of modification by the Registrar will arise. Therefore, after all the duties that will have to be performed under section 75 are discharged, the question that relates to section 74(*2*) will arise; otherwise it will not arise. Therefore it is misplaced under section 74, I believe.

The motions of Mr. Satyapriya Banerjee, namely,—

"that in clause 74(*2*), line 1, the word 'authenticated' be omitted" and

"that in clause 74(*2*), lines 1 and 2, for the word 'prepared' the word 'audited' be substituted"

were then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick, viz.—

"that for paragraph (*e*) of clause 74(*1*) the following paragraph be substituted, namely:—

'(*e*) an examination of the transactions including monetary transactions of the society within such limits as may be prescribed.' "

was then put and agreed to.

The following motions of the Hon'ble Mr. Mukunda Behary Mullick were put and agreed to, namely—

"that is paragraph (*b*) of clause 74(*1*), lines 2-3 for the words 'by the society's debtors' the words 'from the debtors of the society' be substituted; and

"that for paragraph (*f*) of clause 74(*1*), the following paragraph be substituted, namely:—

'(*f*) an examination of the statement of accounts to be prepared by the managing committee in such form as may be prescribed.' "

The motion of Dr. Nalinaksha Sanyal that in clause 74(*2*), line 3, the words "unless modified by the Registrar" be omitted was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am very sorry, Sir, that I did not hear you properly when you declared that the "Ayes have it;" otherwise I would have surely asked for a division. I was taken by surprise thinking that you had said the "Noes have it."

Mr. SPEAKER: I am very sorry that you did not hear me properly, but I cannot help it now. The same mistake was also made by the other side thinking that I declared that the Noes had it and therefore they asked for a division. As I have said, however, it cannot be helped now there having been no call for a division from your side. Anyway nothing can be done now. As far as this House is concerned, we have finished with the matter.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would appeal to you, Sir, to consider the circumstances under which this mistake arose.

Mr. SPEAKER: It is quite possible that I myself declared that the "Ayes have it," not remembering to which side of the House the amendment belonged. Anyway, I am sorry that this should have been so, but it cannot be helped now.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister will have to look to the Upper House to restore the *status quo*.

The question that clause 74, as amended, stand part of the Bill was then put and agreed to.

Clause 75.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

"that in clause 75, line 3, the word 'authenticated' be omitted,"

"that in clause 75, line 4, after the word 'accounts' the word 'audited' be inserted;"

"that in clause 75(*a*), lines 3-4, the words 'or to sound business practice or co-operative principle' be omitted,"

"that in clause 75(*b*), line 2, the words 'by any person' be omitted, and

"that in clause 75(*c*), lines 2-3, for the words 'been incurred by the negligence or misconduct of any person' the words "resulted from any negligence or misconduct or to require further investigation' be substituted."

The motions were then put and agreed to.

The question that clause 75, as amended, stand part of the Bill was then put and agreed to.

Clause 76.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that for clause 76, the following clause be substituted, namely:—

"(*76*) A co-operative society shall be afforded by the Registrar an opportunity of explaining any defects or irregularities pointed out by the audit officer, and thereafter the society shall, within such time and in such manner as the Registrar may direct, remedy such defects and irregularities and report to the Registrar the action taken by it thereon."

The motion was then put and agreed to.

The question that clause 76, as amended, stand part of the Bill was then put and agreed to.

Clause 76A.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in sub-clause (*1*) of clause 76A, lines 2-3, for the words "to supervise, in the manner prescribed, the working of co-operative societies" the following be substituted, namely:—

"to appoint and control, in such manner as may be prescribed, the staff required for the supervision of co-operative societies, other than such staff as may be appointed by the Provincial Government for the purposes of such supervision";

The motion was then put and agreed to.

The question that clause 76A, as amended, stand part of the Bill was then put and agreed to.

Clause 77.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 77(*2*), in line 3, after the word "certified" the words "in either case" be inserted.

Sir, I only want to make the meaning of the sub-clause clear. It is stated that inspection under this section by a financing bank shall be made by an officer of the bank or by a member of its paid staff certified by the Registrar. It looks as if it is only in the case of the paid staff that certification by the Registrar is necessary, but, Sir, if an officer of the bank undertakes this inspection there will not be any necessity of any certification by the Registrar. I suppose it was meant that in either case, *i.e.*, both in the case of an officer and in the case of a paid staff, it should be necessary for such officer as well as for the paid staff to have the necessary certificate from the Registrar in accordance with the rules as competent to conduct such an inspection. In fact, it has been our practical experience that those who are responsible for the management, that is to say, the officers, are often more ignorant of the requirements of inspection than the paid staff, and if the paid staff are to be certified as competent to inspect, surely the officers also should have similar certificates from the Registrar. This amendment gives more power to the Registrar and therefore I hope the Minister in charge will accept this much at least.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, my short answer is that the clause is sufficiently clear, and it is not necessary to have this short expression added to it.

The motion of Dr. Nalinaksha Sanyal that in clause 77 (*2*), in line 3, after the word "certified" the words "in either case" be inserted, was then put and lost.

The question that clause 77 stand part of the Bill was then put and agreed to.

Clause 78.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

"that, in clause 78(*1*), line 2, the words 'of this section' be omitted," and

"that in clause 78(*1*), line 4, for the word 'into' the word 'of' be substituted."

Dr. NALINAKSHA SANYAL: Sir, I beg to move—

"that clause 78(2)(b) be omitted."

Sir, this section relates to inspection of books of an indebted society and it says in sub-section (2) that no such inspection shall be made unless (a) the Registrar has given the society an opportunity of being heard and is satisfied that the alleged debt is a sum then due and that the creditor has demanded payment thereof and has not received satisfaction and (b) the creditor deposits with the Registrar such sums as security for the costs of the inspection as the Registrar may direct.

I submit, Sir, that this would practically make the operation of the inspecting clause inoperative. If the creditor has to deposit any sum which the Registrar himself will be free to direct in order to cover the costs of the proposed inspection, then no creditor will be in a position to appeal to the Registrar for such inspection as would be necessary in the interests of establishing the reputation and credit of the society concerned. I therefore suggest that this sub-section (b) of clause 78(2) be omitted.

Mr. SPEAKER: Here the Registrar on the application of a financing society shall order an inspection. Who will bear the cost?

Dr. NALINAKSHA SANYAL: That is what I say. In that case sub-section (b) does not apply at all. A creditor has to deposit the costs with the Registrar. But if a financing bank wants an investigation into the affairs of a particular society, it should not certainly be necessary for the financing bank to pay the cost.

Mr. SPEAKER: That is another matter.

Dr. NALINAKSHA SANYAL: The Registrar has got his staff. This is his normal duty. If the financing bank which has got some information about certain things and desires an inspection to be undertaken, is required to pay the cost of inspection, it would be creating a great hardship.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is just to provide for a safeguard against embarrassments that may be created by numerous applications for inspection that this clause has been inserted. If there is a genuine case, there will be no difficulty in having an inspection made of the affairs of the society.

The motion of Dr. Nalinaksha Sanyal that clause 78(2)(b) be omitted was then put and lost.

The following motions of the Hon'ble Mr. Mukunda Behary Mullick were then put and agreed to—

"that in clause 78(*1*), line 2, the words 'of this section' be omitted," and

"that, in clause 78(*1*), line 4, for the word 'into,' the word 'of' be substituted."

The question that clause 78, as amended, stand part of the Bill was then put and agreed to.

Clause 79.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 79(*1*), lines 1 and 2, the words "of his own motion or at the request of the District Magistrate" be omitted.

I cannot understand why the District Magistrate has been brought into the picture at this stage. If the Registrar is powerful enough ——.

Mr. SPEAKER: Will you move the other amendments of yours also? All the four are connected.

Dr. NALINAKSHA SANYAL: Yes, Sir. I beg to move that in clause 79(*1*)(*c*), lines 4-6, the words "and shall have deposited such security for costs, if any, as the Registrar may direct" be omitted.

I further beg to move that in clause 79(*1*)(*d*), lines 2-4, the words "who shall have deposited such security for costs, if any, as the Registrar may direct" be omitted.

I also beg to move that in clause 79(*3*), lines 5 and 6, for the words "District Magistrate or the creditors as the case may be" the word "party" be substituted.

My idea is this, that if the District Magistrate comes to know of any delinquency he can officially write to the Registrar and the Registrar, if he finds sufficient justification in the report made by the District Magistrate, may exercise his own discretion and take such action, as is provided for under this sub-clause, to undertake an enquiry.

Mr. SPEAKER: What will be the difference?

Dr. NALINAKSHA SANYAL: The difference is this. We have had experience, Sir, of cases in which a non-official organization of the character of a co-operative society might incur the displeasure of the District Magistrate purely for other reasons than those concerned with the co-operative society, and the District Magistrate—I don't want to

attribute any motives to him, but it often happens—tries to pull up recalcitrant members for their political activities, just because he has some power. In a matter like this where the Registrar will examine the financial side of the administration purely on the ground of the working of the co-operative society, there should be no room for the District Magistrate to come in. The District Magistrate is an executive officer only and he has no duties directly devolved upon him in connection with the administration or the working of the co-operative society. I submit, Sir, that if it is possible for the District Magistrate to have an enquiry made like this, it should equally be possible——.

Mr. SPEAKER: The Registrar is not bound to act on it. Suppose the District Magistrate writes, he may not accept it.

Dr. NALINAKSHA SANYAL: If that is the position, it is better to leave the words out. On the other hand, if the words are as they are in the clause, then it will more or less be binding on the Registrar. The Registrar may at any time on his own motion or at the request of the District Magistrate hold by himself or by——.

Mr. SPEAKER: I know of departments where District Magistrate's wishes are resisted.

Rai HARENDRA NATH CHAUDHURI: But these are very few, Sir.

Dr. NALINAKSHA SANYAL: It is probably only the University of Calcutta that has got the courage to resist the wishes or the orders of the executive.

Mr. SPEAKER: I say even departments of Government do not accept always.

Dr. NALINAKSHA SANYAL: In that event I do not find any reason why the District Magistrate's request should be particularly kept in this clause. Similarly, there may be a request from the Chairman of the District Board, or Chairman of a Municipality. Any responsible person concerned might ask the Registrar to institute an enquiry and it will be the duty of the Registrar to satisfy himself if he wants an enquiry to be instituted in any case.

Mr. SPEAKER: The only thing which is compulsory for the Registrar is in clause 2.

Dr. NALINAKSHA SANYAL: Here the word "may" means "shall". Sir, "the Registrar may on his own motion or at the request of the District Magistrate....." that is how the clause runs.

Mr. SPEAKER: It would have been "shall" if there was not the word "shall" in the second sentence.

Dr. NALINAKSHA SANYAL: Sir, the second sub-clause gives the method in which this enquiry shall be held.

Mr. SPEAKER: Namely, the financing bank, majority of the members of the managing committee, one-third of the members of the society and creditors,—if they ask for it the Registrar "shall".

Dr. NALINAKSHA SANYAL: Surely, that is a very pertinent proposition, but I cannot understand why the District Magistrate should be dragged in at all.

Mr. SPEAKER: That is another matter.

Dr. NALINAKSHA SANYAL: I therefore move all these amendments. I would press, Sir, the amendments relating to clause 1 and sub-clause 3 where I want to delete the words "District Magistrate" in sub-clause 1 and I want to substitute for the words "District Magistrate or the creditors as the case may be" simply the word "party," who should apply for the enquiry.

Mr. SPEAKER: I am sorry, Dr. Sanyal, you are just moving in the opposite direction. If you move the amendment to clause 79 (*3*), you are making the District Magistrate a party.

Dr. NALINAKSHA SANYAL: I am not including him. I don't want the District Magistrate. I simply want to have one comprehensive term, viz., "party".

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 79 (*3*), line 1, for the words "Where an enquiry is made under this section, the" the word "the" be substituted.

I also beg to move that in clause 79 (*3*), line 2, for the word "thereof" the words "of an enquiry under this section" be substituted.

With regard to the amendments of my friend, Dr. Sanyal, I do not think any elaborate answer is necessary from me. So far as amendment 109 is concerned, everybody knows that the District Magistrate is the head of the district administration, and we also know that he is above all politics.

Rai HARENDRA NATH CHAUDHURI: Just like the Superintendent of Police!

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I hope Rai Harendra Nath Chaudhuri will not try to draw a comparison between the District Magistrate and the Superintendent of Police.

Rai HARENDRA NATH CHAUDHURI: He is not above politics.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do maintain that he is above all politics and I refuse to accept any of the suggestions that have been put forward.

Dr. NALINAKSHA SANYAL: However much you may shout, we all know what the position is.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is no good arguing in that way. Now, Sir, that being the position, I am sorry I cannot accept that amendment of Dr. Sanyal.

With regard to amendments Nos. 110 and 111, it is just to provide a safeguard against frivolous applications that the clause has been inserted, but in a genuine case there will be no difficulty to institute an enquiry or inspection. With regard to the last one, I mean amendment No. 112, it may be that one particular creditor may hold half of the borrowed capital and may ask for an inquiry without any valid reason. It is to prevent this state of affairs—to prevent incidents of this nature taking place—that we think that we should provide for this in this clause.

Dr. NALINAKSHA SANYAL: May I request you, Sir, to put motions Nos. 109 and 112 together to vote, and motions Nos. 110 and 111 also together as these refer to different subjects?

Mr. SPEAKER: All right.

The motions of Dr. Nalinaksha Sanyal—

that in clause 79 (*1*), lines 1 and 2, the words "of his own motion or at the request of the District Magistrate" be omitted, and

that in clause 79 (*3*), lines 5 and 6, for the words "District Magistrate or the creditors as the case may be" the word "party" be substituted,

were then put and lost.

The motions of Dr. Nalinaksha Sanyal—

that in clause 79 (*1*) (*c*), lines 4-6, the words "and shall have deposited such security for costs, if any, as the Registrar may direct" be omitted, and

that in clause 79 (*1*) (*d*), lines 2-4, the words "who shall have deposited such security for costs, if any, as the Registrar may direct" be omitted,

were then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in clause 79 (*3*), line 1, for the words "Where an enquiry is made under this section, the" the word "The" be substituted, and

that in clause 79 (*3*), line 2, for the word "thereof" the words "of an enquiry under this section" be substituted,

were then put and agreed to.

The question that clause 79, as amended, stand part of the Bill was then put and agreed to.

Clause 80.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that for sub-clause (*1*) of clause 80 the following be substituted, namely:—

"(*1*) The Registrar may, after giving the parties an opportunity of being heard and by an order in writing stating the reasons therefor, apportion the costs of an inspection made under section 78 or of an enquiry held under section 79 or such portion of the costs as he thinks fit, between the co-operative society, the members thereof or the financing bank or the creditor or creditors applying for such inspection or enquiry, as the case may be, and the officers, former officers, members and past members of the society."

The motion was then put and agreed to.

The question that clause 80, as amended, stand part of the Bill was then put and agreed to.

Clause 81.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 81, line 4, for the word "shall" the word "may" be substituted.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 81, in line 6, after the word "following," the following words be inserted:—

"provided that the Registrar has not at any stage taken any part in connection with the subject-matter of the dispute."

Sir, clause 81 relates to disputes to be referred to the Registrar. Clause 81 reads thus:—

"Any dispute touching the business of a co-operative society (other than one regarding disciplinary action taken by a society or its managing committee against a paid servant of the society) or the liquidator of a society shall be referred to the Registrar if the parties thereto are among the following, namely:—

the society, its managing committee, any past or present officer, agent or servant or the liquidator of the society; or

a member, past member or person claiming through a member, past member or deceased member of the society; or

a surety of a member, past member or deceased member of the society whether such surety is or is not a member of the society; or

any other co-operative society or the liquidator of such society."

It is our experience, Sir, that before a dispute actually matures to the extent that it may be necessary for intervention of the character contemplated, the Registrar often takes an active part in connection either with the earlier stages of preparation of the matter under dispute or through his officers in regard to questions that are likely to crop up in connection with the dispute concerned. I submit, Sir, that when the Registrar himself actively takes part in connection with the earlier stages of a dispute, it is not desirable that he should again be the referee for the settlement of the dispute or for appointing a person who would act as an arbitrator for settling any such dispute. It has often been seen that the Registrar actively takes part through his officers in the management of the society also.

Mr. SPEAKER: I think that what you are saying properly comes under clause 82 (2).

Dr. NALINAKSHA SANYAL: I submit, Sir, that in cases in which the Registrar is himself a party there should not be any power left to the Registrar.

Mr. SPEAKER: You seem to have an overwhelming confidence in your knowledge of the law.

Dr. NALINAKSHA SANYAL: I have an overwhelming confidence in the words of the law, but not in the rule-making powers of Government or in the assurances of the Hon'ble Minister so much. I submit, Sir, that if there is a case in which the Provincial Co-operative Bank may be involved, a bank of which the Registrar himself is a Director and in the appointment of three other Directors of which the the Registrar has got an active hand, and also in nominating the other Directors some indirect influence inasmuch as he exercises the power to extend the life of such Directors whose terms expire, if any dispute takes place with regard to the affairs of that bank, surely it should not be the Registrar, who is practically the Managing Director of that bank, to again become the referee in regard to such a dispute. It would be contrary to every conception of justice or jurisprudence.

Mr. SPEAKER: When Government wants the power to frame rules to be transferred from the Registrar to another person, that may be the reason.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Exactly so, Sir.

Mr. SPEAKER: The rule-making power of Government is provided for in clause 82 (2)

Dr. NALINAKSHA SANYAL: If that is the idea, Sir, the Hon'ble Minister should have no difficulty in accepting this amendment. If the procedure is provided for, this will make clear the intention that underlies clause 82 (2).

Mr. SPEAKER: In clause 82 (*b*) the Registrar shall transfer to any person for disposal, but in clause 82 (2) it is provided that he may withdraw any reference transferred.

Dr. NALINAKSHA SANYAL: But when the Registrar receives an application——

Mr. SPEAKER: Then Government decides under clause 82 (*b*).

Dr. NALINAKSHA SANYAL: But Government may not know of it at all.

Mr. SPEAKER: It is laid down here that the Registrar will act "subject to any rules."

Dr. NALINAKSHA SANYAL: There is no provision in the rules.

Mr. SPEAKER: It is stated in clause 82 (*b*) that the Registrar *shall* transfer.

Dr. NALINAKSHA SANYAL: If that is the intention of Government, there will be no difficulty on their part in accepting my amendment.

Mr. SATYAPRIYA BANERJEE: Sir, so far we have seen the Registrar as the executive head of the co-operative movement. From this section onwards, we shall see the Registrar as a Judicial head of the movement. This clause is intended perhaps to provide for the speedy disposal of disputes arising between the members specified in sub-clauses (*a*) to (*d*), but I place before the House the following facts which will conclusively demonstrate that far from the disposal of cases being speedy it has taken no less than three years for disposal of certain disputes and about two years in other cases. A dispute was filed on the 31st May, 1937. It was heard or disposed of on the 15th January, 1940. (Mr. ATUL KRISHNA GHOSE: Only three years!) Another case was filed on the 31st May, 1937; it was heard or disposed of on the 15th January, 1940. Another case was filed on the 29th September, 1937; arbitrator appointed on the 31st May, 1940; first hearing fixed for the 2nd August, 1940. Another case was filed on the 19th August, 1939; arbitrator not yet appointed. A case, which was filed on the 3rd July, 1939, arbitrator not yet appointed. A case which was filed on the 24th January, 1939, award received on the 31st May, 1940. Another case was filed on the 16th December, 1938, heard on the 17th April, 1939, and award received on the 31st May, 1940. Another case was filed on the 17th December, 1938, heard on the 15th May, 1939, and award received on the 31st May, 1940. Another case was filed on the 11th November, 1938, heard on the 28th March, 1939, and award received on the 31st May, 1940. Another case was filed on the 22nd August, 1938, papers not yet received back from the Registrar's office. Another case was filed on the 25th August, 1938, heard on the 15th May, 1939, and award received on the 31st May, 1940.

Mr. SPEAKER: Do all these arise out of the difference between "shall" and "may"?

Mr. SATYAPRIYA BANERJEE: Yes, Sir. I do not want to multiply instances. If the intention of this section is to speedily dispose of disputes, then, I think, from the instances I have quoted, it

will be clear that that ground falls to the ground, and I want to substitute "may" for "shall" simply because I want to give the parties to the dispute the option either to place the case before the Registrar or before a Civil Court where they think they will get justice and not from the Registrar.

Now, Sir, there is another thing which I thought I would not place before the House, but the arbitrators appointed by the Registrar are of such a type that members ought to have some knowledge of it. A lady is writing this letter to the Secretary of a bank. She writes thus:

"I received a summons from Mr. so-and-so, the arbitrator, to attend his office and since the case was begun I have been put to much harassment. I applied to Mr. So-and-so for ordering the society to return half of my fund money which the society refused, and Mr. So-and-so at first agreed to arrange it, and he had also promised to favourably decide my case so that I may be free from loan and payment of my sureties may be released. He has told that he will throw that loan on the Secretary's shoulder. On that promise he has been knocking at my door several days and several times and asked me to meet him at Wellington Square and take me to cinemas and other hotels at night." (Cries of "Shame, shame" from the Opposition Benches.) I have the letter in the hand-writing of the lady herself. If you want, Sir, I can show you, but it will be to no purpose because I know that all our amendments, however reasonable they may be, will be thrown out by the weight of the strength of numbers. I think, from all these instances it has been made clear that if you are really intent upon doing justice to the settlement of disputes, then no case can be made out that any harm will be done to the parties if instead of the word "shall" the word "may" be substituted, *i.e.*, if the parties be given the option to refer the dispute either to the Registrar or to the Civil Court. I hope the Hon'ble Minister in charge will, after the instances that I have quoted, see the force of my argument and accept amendment No. 113 of mine which simply seeks to substitute the word "may" for the word "shall" in clause 81, line 4.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 81, line 2, for the word "one" the words "a dispute" be substituted.

Sir, so far as the amendment of my friend, Dr. Sanyal, is concerned, after what you, Sir, have been good enough to point out with reference to clause 82, I do not think anything further is necessary for me to add.

With regard to the amendment of Mr. Satyapriya Banerjee regarding the change of "shall" into "may," I for one would never have gone the length of securing a letter from a lady of that nature. But so far as the system of arbitration is concerned, I may point out to my

friend a little observation made by Calvert under section 43 of the existing Act II of 1912 where it deals with arbitration:—

"The clause follows very much the English law. The Friendly Societies Act directs that disputes shall be decided in the manner directed by the rules of the society and the decision so given shall be binding and conclusive on all parties without appeal and shall not be removable into any Court of law or restrainable by injunction; it allows the parties the alternative of referring to the Registrar."

Dr. NALINAKSHA SANYAL: That refers to the rules of the society.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Therefore, I submit that there is no justification for changing the word "shall" into "may". This will never solve the difficulty that my friend wants to remove.

The motion of Mr. Satyapriya Banerjee that in clause 81, line 4, for the word "shall" the word "may" be substituted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 81, in line 6, after the word "following" the following words be inserted—

"provided that the Registrar has not at any stage taken any part in connection with the subject-matter of the dispute,"

was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 81, line 2, for the word "one" the words "a dispute" be substituted, was then put and agreed to.

The question that clause 81, as amended, stand part of the Bill, was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, may we submit one thing? We have come to a sort of general agreement that we shall not call any division before the football match is over, that is, before 6-30. Sir, I would only submit to you for your co-operation——

Mr. SPEAKER: So that you can go and see the match! (Laughter.)

Dr. NALINAKSHA SANYAL: I submit that such of the amendments on which we strongly feel may be held over till our friends come back. There have been one or two such cases.

Mr. SPEAKER: I do not think they were very important amendments.

Clause 82.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that for clause 82 the following be substituted, namely:—

"82. On receipt of the reference the Registrar shall refer it for disposal in accordance with the rules framed in this behalf to any Judge as defined in section 2 (*8*) of the Code of Civil Procedure, 1908, having local jurisdiction invested by the Provincial Government with powers in that behalf."

Sir, in this connection, may I submit that the framers of this Bill have out-Heroded Herod. The other provincial Acts have similar clauses. Clause 54 of the Bombay Act of 1925 says: Provided that if the question at issue between a society and a claimant, or between different claimants is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings, the Registrar shall take action as laid down in paragraph 1 of this section.

The Madras Act in section 51 (*2*) (*b*) also provides that the Registrar may, on receipt of such reference, transfer it for disposal to any person who has been invested by the Local Government with powers in that behalf. Even in the Bihar and Orissa Act which has served as the model of this Bill, section 48 (*8*) provides as follows: The Registrar, may, where it appears to him advisable either on application or on his own motion state a case and refer to the District Judge for decision and the decision of the District Judge shall be final. We find in this clause nowhere any provision for any reference to be made to any judical authority. The Registrar will be a law unto himself. In all matters of dispute involving complicated questions of law, the Registrar, without knowing the A, B, C of law shall have to decide upon those questions. The clause stands self-condemned. The Registrar by the terms of his appointment will be a choice of the Government and may be, as the present Registrar certainly is, quite ignorant of law, although he will have to decide complicated questions of law. That is the position. Will such a man be able to settle the disputes properly? I put this plain question to the Hon'ble Minister in charge, and I pause for a reply.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 82 (*1*), line 1, for the words "the reference" the words and figures "a reference under section 81" be substituted.

I also beg to move that in clause 82 (*1*), line 2, for the word "any" the word "the" be substituted.

I further beg to move that in clause 82 (*2*), line 1, for the word "any" the word "the" be substituted.

With regard to the amendment moved by my friend Mr. Satyapriya Banerjee it is rather a bit surprising to me to find that he has tabled an amendment of this nature, whereby he seriously asks the House that a dispute arising in a society with regard to its affairs will be referred to the District Judge. I wish he had known the number of disputes that we heard every year, before he made a suggestion of this nature. In 1938-39 we had only about 6,058 disputes referred to by various societies.

Dr. NALINAKSHA SANYAL: How many actually settled?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Well, that is another question; you wait and see.

Dr. NALINAKSHA SANYAL: We have to wait eternally.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We have got to settle every one of them.

With regard to this abstract question, I desire to place before the House another observation from this authority, Mr. Calvert, where it is stated:—

"The English courts have taken a very sensible view of these arbitration proceedings as the following quotation from a ruling will show:—The Legislature intended carefully to provide that these societies should not be dragged before Courts of Law or Equity, if it could possibly be avoided, and has taken care to enact that the whole discussion of their affairs shall be disposed of in a cheap and summary manner by the decision of an arbitrator (or justices).....the power of the justice or the arbitrator is complete and is not subject to revision by any Court of Law or Equity."

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The Hon'ble Minister in charge has twice quoted the same authority from Calvert's book on Law of Co-operative Societies. May we enquire from him whether he can enlighten us from that authority or from any other authority that the cases are comparable in the sense that the arbitration proposed in the English societies is just the same as the arbitration proposed here?

Mr. SPEAKER: I do not know of any previous case. So far as the latter case is concerned, whatever is pleaded it is not the principle of the co-operative society to bring it to the Court of Law.

Dr. NALINAKSHA SANYAL: May I submit that in the English co-operative societies there is no Registrar of the character contemplated in our law? May I also submit that it is simply hoodwinking the House by putting in this explanation? The two sets of circumstances are quite different and not comparable.

Mr. SPEAKER: I agree, but I must say that your point of order is also open to the same question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The point is very clear. It is intended that a dispute that may arise in the affairs of the society has got to be disposed of at a very cheap cost and in a very summary manner. That being so, I submit respectfully that there is no question of dragging the affairs of the society before a Court of Law.

Mr. SPEAKER: That will do.

The motion of Mr. Satyapriya Banerjee that for clause 82 the following be substituted, namely:—

"82. On receipt of the reference the Registrar shall refer it for disposal in accordance with the rules framed in this behalf to any Judge as defined in section 2 (*8*) of the Code of Civil Procedure, 1908, having local jurisdiction invested by the Provincial Government with powers in that behalf",

was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

"that in clause 82 (*1*), line 1, for the words 'the reference' the words and figures 'a reference under section 81' be substituted";

"that in clause 82 (*1*), line 2, for the word 'any' the word 'the' be substituted";

"that in clause 82 (*2*), line 1, for the word 'any' the word 'the' be substituted",

were then put and agreed to.

The question that clause 82, as amended, stand part of the Bill was then put and agreed to.

Clause 83.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 83, in line 4, after the word "Court" the words "subject to such right of appeal as may be provided under law" be added.

My purpose in moving this amendment is more to draw attention to the very rigorous situation created under the present piece of legislation than to attempt to complete it by the wordings of my amendment. I must frankly state at the outset that the wordings that I have proposed are not really expressed in a complete legal form. What I intended is this: that in arbitration proceedings of the character contemplated under sections 81 and 82 there are no two independent parties in a dispute, either by common agreement previously arrived at under by-laws of the society or by any subsequent agreement, prepared to have a dispute referred to as is provided for under the Indian Arbitration Act. In this case arbitration is more or less imposed from above and such an arbitration takes the shape of a compulsory arbitration whether the parties thereto desire it or not. In a case like this it is only fair that there should be some provision for appeal—appeal against the decision of the arbitrator whoever he may be.

Mr. SPEAKER: Your language should have been "subject to such right of appeal as may be provided for by rules prescribed."

Dr. NALINAKSHA SANYAL: I do admit that my drafting is not very happy, but my object is there and it is this. Sir, we have here the Registrar being appointed a referee under the provisions of the Act itself and the Registrar himself, or through any person may appoint an arbitrator, may get a dispute settled, but when such a settlement relates to any property pledged as collateral security, the power to such an extent——

Mr. SPEAKER: Your idea is that somewhere there should be the right of appeal.

Dr. NALINAKSHA SANYAL: Otherwise it works very hard. If Government accept this, I will not press my motion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The honourable member is labouring under a misapprehension. We have already provided for appeal against decision made under section 82. Clause 128, Fourth Schedule, item No. 4 sets the matter at rest.

Dr. NALINAKSHA SANYAL: There is no judicial authority.

Mr. SPEAKER: Your intention is to provide for some appeal, not to Court but to some agency, which they have provided.

The motion of Dr. Nalinaksha Sanyal that in clause 83, in line 4, after the word "Court" the words "subject to such right of appeal as may be provided under law" be added, was then put and lost.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

"that in clause 83, line 3, for the word 'having' the words 'which shall have' be substituted"; and

"that in clause 83, line 4, for the words 'competent civil court' the words 'Civil Court having jurisdiction to make such a decree' be substituted."

The motions were then put and agreed to.

The question that clause 83, as amended, stand part of the Bill was then put and agreed to.

Clause 84.

Dr. NALINAKSHA SANYAL: Sir, I beg to move—

"that in clause 84(*1*), line 1, for the word 'rules' the word 'by-laws' be substituted"; and

"that in clause 84(*2*), in line 1, after the word 'communicated' the words 'together with a statement of reasons for such an order' be inserted."

Sir, section 84 relates to an order for the winding up of a society. I have provided that instead of rules which are obviously to be framed by Government, if the by-laws of societies so provide for, then the Registrar may by an order in writing direct that the co-operative society be wound up. (Mr. FAZLUR RAHMAN: When?) There are provisions in the section itself, stating the circumstances under which such winding up can be undertaken. They are given here. There will be no difficulty because there are specific cases mentioned and also the circumstances under which such winding up will be ordered. I therefore suggest that it should not be left to the rules.

Mr. SPEAKER: Still there would be reserve power with the Registrar so that in spite of all this he will exercise discretion as to whether a society should be wound up or not.

Dr. NALINAKSHA SANYAL: The Registrar will, in spite of the by-laws which I propose, have additional reserve power, so that if he wants to override the provisions ordinarily made in the by-laws, even then he can undertake the winding up procedure.

Mr. SPEAKER: But the power is already there, *e.g.*, in 84(*1*)(*c*)(*iv*), namely, where the Registrar can direct that a co-operative society shall be wound up on his own motion in the case of a society which has ceased to comply with any condition as to registration in this Act or in the rules or by-laws, etc. Therefore, if the by-laws provide certain conditions of winding up and the society does not wind up, then the Registrar is bound to direct that it should be wound up.

Dr. NALINAKSHA SANYAL: I submit, Sir, that in that case it would be for contravention of certain definite provisions made in the rules or by-laws so that the power will be contingent and that is why I have put in this amendment.

My second amendment is self-explanatory. I want that any order so communicated should be communicated together with a statement of reasons for such an order.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as amendment No. 117 is concerned, you have been good enough to point out to my honourable friend as to what the effect of this would be. In fact, Sir, it must be admitted that the rules are more binding than the by-laws and rules are expected to be more uniform. The by-laws are the by-laws of different societies, but the rules are expected to govern all the societies.

With regard to amendment No. 119 there is an appeal provided for against any order made under this clause and therefore when the order has got to be communicated, it will certainly be accompanied by reasons for the same and therefore I submit that it is not necessary to provide for a statement of reasons in the clause.

The motions of Dr. Nalinaksha Sanyal—

"that in clause 84 (*1*), line 1, for the word 'rules', the word 'by-laws' be substituted"; and

"that in clause 84 (*2*), in line 1, after the word 'communicated' the words 'together with a statement of reasons for such an order' be inserted",

were put and last.

The question that clause 84 stand part of the Bill was then put and agreed to.

Clause 85.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move—

"that in clause 85, line 3, after the word 'person' the words 'on furnishing adequate security in the manner prescribed' be inserted."

Sir, the amendment is self-evident and I hope the Hon'ble Minister will see his way to accept this amendment as usual.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, after the last observation I do not think I need give a reply.

Dr. NALINAKSHA SANYAL: But please say whether you accept it or not.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I oppose this amendment.

The motion of Mr. Satyapriya Banerjee was then put and lost.

The question that clause 85 stand part of the Bill was then put and agreed to.

Clause 86.

Dr. NALINAKSHA SANYAL: I beg to move—

"that in clause 86(2), line 5, the words 'speedy and beneficial' be reinstated"; and

"that in clause 86(2), lines 9 and 10, the words 'as the Registrar may from time to time direct' be omitted."

Sir, the original draft of this sub-clause contained the words "speedy and beneficial" and I cannot understand why such healthy adjectives have been left out by the Select Committee in their wisdom.

Mr. SPEAKER: Probably because if the department wants to, it will make it speedy and beneficial and if it does not want the words will be meaningless. That is perhaps why these words have gone out!

Dr. NALINAKSHA SANYAL: In fact with the experience that we have of the speedy disposal of files by the department, it is only fair that we should insist on the retention of these words.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I do not think I can do anything more than simply oppose the amendment. I would only move along with my reply my amendments Nos. 128, 129, 130 and 131 which are as follows:—

"that in clause 86(*1*), line 2, for the word 'when' the words 'on which' be substituted";

"that in clause 86(*2*), line 3, for the word 'any' the word 'the' be substituted";

"that in clause 86(*2*), lines 5-6, the words 'by his name of office" be omitted"; and

"that in paragraph (*c*), of clause 86(*2*), line 8, after the word 'officers' at the end the words 'of the society' be inserted."

The motions of Dr. Nalinaksha Sanyal—

"that in clause 86 (*2*), line 5, the words 'speedy and beneficial' be reinstated"; and

'that in clause 86 (*2*), lines 9 and 10, the words 'as the Registrar may from time to time direct' be omitted",

were then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick were then put and agreed to.

The question that clause 86, as amended, stand part of the Bill was then put and agreed to.

New clause 86A.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that after clause 86, the following new clause be inserted, namely:—

"86A. (*1*) Where, in the course of winding up of a co-operative society it appears that the liquidator has misapplied or retained or become liable or accountable for any money or property of the co-operative society, or been guilty of any misfeasance or breach of trust in relation to the society, the Registrar shall, on the application of the person aggrieved, refer the matter to the Court which shall examine into the conduct of the liquidator and compel him to repay or restore the money or property of the society or to contribute such sum to the assets of the society by way of compensation in respect of misapplication, retainer, misfeasance or breach of trust as the Court thinks just.

(*2*) This section shall apply notwithstanding that the offence is one for which the offender may be criminally liable."

Sir, at the outset I may say that I have taken this clause from the provisions of the Indian Companies Act. The liquidator has been given ample power under this Bill; he has been made a law unto himself; but nowhere has any liability been put on him. Not even the provision of security being furnished by him has found a place in the Bill. In that case what steps can be taken against the liquidator if he is guilty of the things that I have mentioned in my amendment?

Mr. SPEAKER: Well, if he is guilty of breach of trust or misfeasance he will be criminally prosecuted.

Mr. SATYAPRIYA BANERJEE: Sir, we do not want criminal prosecution alone. We want the property to be restored too.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sub-clause (2) provides for that.

Mr. SPEAKER: That is a matter of common law—I mean the ordinary civil law. Under the civil law, if a man is found guilty, he is liable to pay damages or he has to pay back.

Mr. SATYAPRIYA BANERJEE: It has been incorporated in the Indian Companies Act. Why does not the Hon'ble Minister see his way to incorporate it in this Bill also?

Mr. SPEAKER: The companies deal with sterling securities which are absolutely transferable, but these people here deal with mostly few bighas of land.

Mr. SATYAPRIYA BANERJEE: The liquidation position is the same everywhere. The co-operative society is after all a business concern and as such business principles must be the guiding factor in matters regarding liquidation. However, I place this motion before the Hon'ble Minister in charge. Let me see what his reply is.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: After what you have been good enough to point out to my friend, I do not think any further observation from me is necessary. But, so far as the

liquidator is concerned, he will either be an official or a non-official. If he is an official, his security is there, and if he is a non-official, he will be called upon to act under the general direction of the Registrar and whenever he is found guilty, there is nothing to prevent the Registrar from taking suitable action.

The motion of Mr. Satyapriya Banerjee that after clause 86, the following new clause be inserted, namely:—

"86A. (*1*) Where, in the course of winding up of a co-operative society, it appears that the liquidator has misapplied or retained or become liable or accountable for any money or property of the co-operative society, or been guilty of any misfeasance or breach of trust in relation to the society, the Registrar shall, on the application of the person aggrieved, refer the matter to the Court which shall examine into the conduct of the liquidator and compel him to repay or restore the money or property of the society or to contribute such sum to the assets of the society by way of compensation in respect of misapplication, retainer, misfeasance or breach of trust as the Court thinks just.

(*2*) This section shall apply notwithstanding that the offence is one for which the offender may be criminally liable.",

was then put and lost.

Clause 87.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 87, in line 5, after the word "authority" the following words be inserted, namely:—

"or to an employee on account of his salary, commission, travelling expenses and provident fund."

This clause relates to priority of contributions assessed by the liquidator. It states that "notwithstanding anything contained in the Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, the contribution assessed by a liquidator shall rank next to debts due to the Crown or to any local authority in order of priority in insolvency proceedings."

I submit that in cases where insolvencies of this character are likely to occur, it is the usual experience that many employees remain unpaid for a good length of time, and the provident fund or other dues of such employees are likely to be similarly held up. I propose my amendment with a view to protect the interests of these poor employees of such societies, so that along with the debts due to the Crown or debts due to any local authority, the debts due to an employee on account of his salary or commission or provident fund should have precedence over——

Mr. SPEAKER: I think the language is defective. It has nothing to do with the employees. Supposing a co-operative society has debts from a particular person; he has a debt to the Crown, he has a debt to the local authority. Therefore, after those debts come the debt due to the co-operative society. And in between you bring in the employees of the co-operative society.

Dr. NALINAKSHA SANYAL: The employee of the co-operative society should come in immediately after that.

Mr. SPEAKER: I think it is misconceived. See the table. In the table it is really quite a different thing.

Dr. NALINAKSHA SANYAL: Sir, this section gives the order of priority of different claims which the liquidator will examine and allow.

Mr. SPEAKER: No, no. Please read the Insolvency Act. In the Act, there are certain priorities. If a man becomes insolvent, then certain claims are to be first made, and under this provision, immediately after these two things, comes the debt due to the co-operative society irrespective of other liabilities.

Dr. NALINAKSHA SANYAL: All right, Sir. In view of your explanation, I don't press my amendment.

The motion of Dr. Nalinaksha Sanyal that in clause 87, in line 5, after the word "authority," the following words be inserted, namely:—

> "or to an employee on account of his salary, commission, travelling expenses and provident fund",

was then put and lost.

The question that clause 87 stand part of the Bill was then put and agreed to.

Clause 88.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 88, line 1, for the word "the" the words "a co-operative" be substituted.

Sir, I also beg to move that in clause 88, line 2, the word "co-operative" be omitted.

The motions were then put and agreed to.

The question that clause 88, as amended, stand part of the Bill was, then put and agreed to.

Clause 89.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 89 (*1*), in line 3, after the word "opinion," the words "for the reasons to be recorded by him in writing" be inserted.

The amendment is self-explanatory, and therefore I do not want to speak on this.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir I do not think that any further explanation is necessary. I have already made my submission with regard to it.

Sir, I beg to move that in clause 89 (*2*), lines 2-3, the words "has been appointed" be omitted.

The motion of Dr. Nalinaksha Sanyal that in clause 89 (*1*), in line 3, after the word "opinion," the words "for the reasons to be recorded by him in writing" be inserted was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 89 (*2*), lines 2-3, the words "has been appointed" be omitted was then put and agreed to.

The question that clause 89, as amended, stand part of the Bill was then put and agreed to.

Clause 90.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 90 (*1*), line 2, for the words "prior debts" the words "a prior debt or part thereof" be substituted.

The motion was then put and agreed to.

The question that clause 90, as amended, stand part of the Bill was then put and agreed to.

Dr. NALINAKSHA SANYAL: May I rise on a point of order with regard to clause 90 which has just been accepted? It has been stated that a notice that may be given by the co-operative land mortgage bank may stay the hands of creditors of the members thereof. It has not been stated there what will happen to any case in which the ordinary Limitation Act may come into play.

Mr. SPEAKER: That point will be examined separately.

Clause 91.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 91 (*b*) be omitted.

This clause relates to restriction of mortgagors' transfer of or charge on equity redemption. Clause 91 (*b*) prevents or rather seeks to prevent the creation of a charge on such property for a period exceeding five years. I believe section 65A of the new Transfer of Property Act has a provision of this character already, and I do not find any necessity of having this specifically mentioned.

Mr. SPEAKER: Still, there is no harm.

Dr. NALINAKSHA SANYAL: But it will be infringing the provision of 65A of the Transfer of Property Act and there are other conditions also.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the simple answer to that is this, that we do not allow a member of the land mortgage bank to create a charge of this nature upon the property at random.

Sir, I beg to move that for clause 91 the following clause be substituted, namely:—

"91. Notwithstanding anything contained in any other law for the time being in force—

(*1*) the mortgagor of property mortgaged to a co-operative land mortgage bank shall not be entitled, after the execution of the mortgage and without the concurrence of the bank—

(*a*) to transfer or mortgage his equity of redemption, or

(*b*) to create a charge upon such property for a period exceeding five years;

(*2*) the co-operative land mortgage bank shall not be entitled to give its concurrence under clause (*1*) without the previous sanction of the central co-operative land mortgage bank or the financing bank to which any sum is payable by it; and

(*3*) the central co-operative land mortgage bank or the financing bank shall, if it accords its sanction under clause (*2*), send an intimation thereof to the trustee, if any, appointed under section 33A."

The motion of Dr. Nalinaksha Sanyal that clause 91 (*b*) be omitted, was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that for clause 91 the following clause be substituted, namely:—

"91. Notwithstanding anything contained in any other law for the time being in force—

(*1*) the mortgagor of property mortgaged to a co-operative land mortgage bank shall not be entitled, after the execution of the mortgage and without the concurrence of the bank—

(*a*) to transfer or mortgage his equity of redemption, or

(*b*) to create a charge upon such property for a period exceeding five years;

(*2*) the co-operative land mortgage bank shall not be entitled to give its concurrence under clause (*1*) without the previous sanction of the central co-operative land mortgage bank or the financing bank to which any sum is payable by it; and

(*3*) the central co-operative land mortgage bank or the financing bank shall, if it accords its sanction under clause (*2*), send an intimation thereof to the trustee, if any, appointed under section 33A",

was then put and agreed to.

The question that clause 91, as substituted, stand part of the Bill, was then put and agreed to.

Clause 92.

The question that clause 92 stand part of the Bill, was then put and agreed to.

Clause 93.

The question that clause 93 stand part of the Bill, was then put and agreed to.

Clause 94.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in sub-clause (*2*) of clause 94, line 4, for the words "to any" the word "the" be substituted.

I also beg to move that in sub-clause (2) of clause 94, line 1, after the word and comma "application," the word "and" be inserted.

Dr. NALINAKSHA SANYAL: Sir, clause 94 should be omitted.

Sir, I would like to explain why I want to have this proposal accepted by the House. This clause 94 relates to the power to distrain and clause 96 below empowers sale of mortgaged property without the interference of the Court. The stringent provisions of clauses 94 and 95 do not seem to me to be necessary. Clause 96 already provides for sufficient powers similar to what is contemplated under clauses 94 and 95. When clause 96 is there, I do not see any justification for having any further power in this regard as contemplated by clauses 94 and 95.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 94, line 4, for the words "one month" the words "three months" be substituted.

Sir, if this clause is omitted I have no objection. But if it is not omitted, I want the words "three months" to be substituted in place of the words "one month," because, Sir, very wide power has been given to the Registrar to distrain and sell the produce, and it has been provided in clause 94 that if an instalment that falls due is not paid within a month, then he will have power to distrain. I only want to extend the period from one month to three months.

I hope, Sir, that the Hon'ble Minister will be pleased to accept my amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to the suggestion of my friend Dr. Sanyal for the deletion of this clause, when it is apparent that we do not want to attach the property of anybody, I hope, Sir, it will be appreciated that it is not necessary to go to the land itself. It is from that point of view that we have provided for distraint of produce of the mortgaged land under clause 94. Clause 96 is more stringent and we do not desire to apply it if we can avoid. It is from that point of view, Sir, that we have this provision about distraint of produce of the mortgaged land in clause 94.

As regards Mr. Datta's amendment for extension of the period from "one month" to "three months," I submit with all respect, Sir, that the grace period in all business concerns is only one month, and we are only anxious that debts are paid as early as possible. It is from that point of view, Sir, that we have provided for one month. I am sorry, Sir, that I cannot accept an extension of the period to three months.

Along with this, Sir, I move my own amendments to clause 95, namely—

that in paragraph first of clause 95, in line 1, for the word "deducted" the words "paid to the co-operative land mortgage bank" be substituted;

that in paragraph "secondly" of clause 95, line 1, after the word "paid" the words "to the bank" be inserted; and

that in paragraph "secondly" of clause 95, in line 4, for the words "paid from the proceeds of the sale" the words "so paid" be substituted.

The motion of Mr. Dhirendra Nath Datta that in clause 94, line 4, for the words "one month" the words "three months" be substituted, was then put and lost.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in sub-clause (2) of clause 94, line 4, for the words "to any" the word "the" be substituted, and

that in sub-clause (2) of clause 94, in line 1, after the word and comma "application," the word "and" be inserted,

were then put and agreed to.

The question that clause 94, as amended, stand part of the Bill was then put and agreed to.

Clause 95.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in paragraph first of clause 95, in line 1, for the word "deducted" the words "paid to the co-operative land mortgage bank" be substituted;

that in paragraph "secondly" of clause 95, line 1, after the word "paid" the words "to the bank" be inserted; and

that in paragraph "secondly" of clause 95, in line 4, for the words "paid from the proceeds of the sale" the words "so paid" be substituted,

were then put and agreed to.

The question that clause 95, as amended, stand part of the Bill was then put and agreed to.

Clause 96.

Dr. NALINAKSHA SANYAL: Sir, I formally move my amendment to this clause, namely, that in clause 96, in line 10, after the word "property" the words "including the standing crops thereon" be inserted.

Sir, may I know if the Hon'ble Minister will move his amendment No. 142? If he does so, I shall have to oppose it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, I shall move it.

Dr. NALINAKSHA SANYAL: In that case, Sir, may I oppose the amendment of the Hon'ble Minister?

Mr. SPEAKER: That is a separate thing altogether. Amendment No. 142 relates to clause 96A. On clause 96, the Hon'ble Minister has no amendment.

Dr. NALINAKSHA SANYAL: Then let us dispose of clause 96 first.

The motion of Dr. Nalinaksha Sanyal that in clause 96, in line 10, after the word "property" the words "including the standing crops thereon" be inserted, was then put and lost.

The question that clause 96 stand part of the Bill was then put and agreed to.

Clause 96A.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that after clause 96 the following new clause be inserted, namely:—

"96A. The Registrar may, subject to the rules, appoint a Sale Officer for the purpose of conducting any sale under the provisions of this chapter."

Dr. NALINAKSHA SANYAL: Sir, with regard to amendment No. 142 moved by the Hon'ble Minister, I desire only to draw attention to the fact that clause 106, which is proposed to be deleted, is just the same thing as this amendment, as clause 106 runs thus:—

"The Registrar may, subject to rules, appoint a Sale Officer for the purpose of conducting sales under this chapter".

I cannot understand, Sir, why the same thing is being provided for in another clause, and the original clause is being proposed to be

deleted. Rather we think that the position, as it is in the Bill, is more happy than the position in which the new clause is proposed to be placed in, because it comes in after the entire procedure relating to sale is disposed of. I suggest, Sir, that the old order be retained and that it should not be replaced by a new one.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think that what we have suggested is the proper place for this clause.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that after clause 96 the following new clause be inserted, namely:—

"96A. The Registrar may, subject to the rules, appoint a Sale Officer for the purpose of conducting any sale under the provisions of this Chapter",

was then put and agreed to.

The question that the new clause 96A stand part of the Bill, was then put and agreed to.

Clauses 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I shall now move amendments Nos. 143 and 144 to clause 97, amendment No. 145 to clause 98, amendment No. 146 to clause 99, amendment No. 147 to clause 100, amendments Nos. 148 to 150 to clause 101, amendment No. 151 to clause 106, amendment No. 152 to clause 107 and amendment No. 153 to clause 111.

I beg to move that in clause 97, for the words beginning with "powers under" in line 2 and ending with "upon" in line 4 the following be substituted, namely:—

"the powers conferred by section 96 shall, in the prescribed manner and in the form of a written demand for the payment of the amount due to the bank, issue a notice upon—";

that in paragraph (*b*) of clause 97, in line 4 after the word "such" the words "interest or" be inserted;

that in clause 98, in line 4 for the word "time" the word "period" be substituted;

that in clause 99, in line 5 for the word "time" the word "period" be substituted;

that in sub-clause (*1*) of clause 100, in lines 1 and 2, for the words "from the date of sale of the time" the words "of the period" be substituted;

that in paragraph "First" of sub-clause (*1*) of clause 101, for the word "deducted" the words "paid to the co-operative land mortgage bank" be substituted;

that in paragraph "secondly" of sub-clause (*1*) of clause 101, line 1, after the word "paid" the words "to the bank" be inserted;

that in paragraph "thirdly" of sub-clause (*1*) of clause 101, line 1, after the word "paid" the words "to the bank all" be inserted;

that in sub-clause (*1*) of clause 107, in line 3, after the words "subject to" the words "the provisions of" be inserted; and

that in clause 111, in line 4, the words "or association" be omitted.

Mr. DHIRENDRA NATH DATTA : Sir, I beg to move that in clause 97(*d*), line 2, the words "for the administration of his estate" be omitted.

I also beg to move that in clause 98, line 1, for the word "three" the word "six" be substituted.

I further beg to move that in clause 99, line 5, for the words "the prescribed time" the words "six months" be substituted.

With regard to amendment No. 244 to clause 97, I submit, Sir, that the different kinds of persons upon whom notice must first be issued in the exercise of powers under section 96 are mentioned in sub-clauses (*a*) to (*d*) of clause 97. Sub-clause (*d*) runs thus:—

> "Any creditor of the mortgagor who has in a suit for the administration of his estate obtained a decree for sale of the mortgaged property."

I do not understand, Sir, when a creditor who has obtained a decree in a suit for sale of the mortgaged property must be entitled to a notice, what is the necessity of the words "for the administration of his estate"? My submission is this: any person who has obtained a decree for sale of the mortgaged property is entitled to a notice.

Sir, with regard to my amendment No. 245, I may say that clause 98 relates to application for sale and method of sale. It has been provided that in a prescribed time the sale officer shall proceed to sell the property by public auction and report the result thereof to the bank. I want to fix the time at six months. My object in fixing six months is, that under the Bengal Tenancy Act the judgment-debtor whose interest is sold in the execution of a rent decree is not entitled to file an application for setting it aside within six months. Having

regard to the fact that no suit need be instituted in relation to the land mortgage bond, I want to fix the period at six months.

Sir, as regards my amendment No. 246, it also seeks to prescribe six months' time.

The motion of Mr. Dhirendra Nath Datta that in clause 97(*d*), line 2, the words "for the administration of his estate" be omitted, was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 97, for the words beginning with "powers under" in line 2 and ending with "upon" in line 4 the following be substituted, namely:—

> "The powers conferred by section 96 shall, in the prescribed manner and in the form of a written demand for the payment of the amount due to the bank, issue a notice upon—",

was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in paragraph (*b*) of clause 97, in line 4, after the word "such" the words "interest or" be inserted, was then put and agreed to.

The question that clause 97, as amended, stand part of the Bill, was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that in clause 98, line 1, for the word "three" the word "six" be substituted, was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 98, in line 4, for the word "time" the word "period" be substituted, was then put and agreed to.

The question that clause 98, as amended, stand part of the Bill, was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that in clause 99, line 5, for the words "the prescribed time" the words "six months" be substituted, was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 99, in line 5, for the word "time" the word "period" be substituted, was then put and agreed to.

The question that clause 99, as amended, stand part of the Bill, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in sub-clause (*1*) of clause 100, in lines 1 and 2 for the words "from the date of sale of the time" the words "of the period" be substituted was then put and agreed to.

Dr. NALINAKSHA SANYAL : Sir, I have got an amendment on this clause, which I would like to move.

Mr. SPEAKER : All right, you can move it.

Dr. NALINAKSHA SANYAL : Sir, I beg to move that in clause 100(*2*)(*b*), lines 4 and 5, the words "or an application has been disallowed by the bank" be omitted.

Sir, these are the words added by the Select Committee. It should not lie in the power of the bank concerned to disallow an application for setting aside a sale and thereafter proceed to make an order confirming the sale. I submit that if no application has been made under section 99 or an application has been made but the amount specified in that section has not been deposited by the applicant, then alone the Registrar can make an order confirming the sale. But it is further provided that this confirmation may be made in the event of an application being disallowed by the bank. Such disallowance will always be in the interest of the bank itself. If this is provided for, why should it be possible for the bank, why should it at all be necessary for the bank to go to this length of getting the Registrar's order? Therefore, I move this amendment, and I hope the Hon'ble Minister will accept it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : Sir, I oppose this amendment.

The motion of Dr. Nalinaksha Sanyal that in clause 100(*2*)(*b*), lines 4 and 5, the words "or an application has been disallowed by the bank" be omitted, was then put and lost.

The question that clause 100, as amended, stand part of the Bill, was then put and agreed to.

(The House was then adjourned for 20 minutes.)

(After adjournment.)

Mr. SPEAKER : We will now take up clause 101.

The motion of the Hon'ble Mr. Mukunda Behary Mullick—

that in paragraph "First" of sub-clause (*1*) of clause 101, for the word "deducted" the words "paid to the co-operative land mortgage bank" be substituted;

that in paragraph "secondly" of sub-clause (*1*) of clause 101, line 1, after the word "paid" the words "to the bank" be inserted; and

that in paragraph "thirdly" of sub-clause (*1*) of clause 101, line 1, after the word "paid" the words "to the bank all" be inserted,

were then put and agreed to.

The question that clause 101, as amended, stand part of the Bill was then put and agreed to.

The question that clauses 102, 103 and 104 stand part of the Bill were then put and agreed to.

Mr. SPEAKER : Clause 105.

Mr. DHIRENDRA NATH DATTA : I have got an amendment.

Mr. SPEAKER : That is a negative motion.

Mr. DHIRENDRA NATH DATTA : No, Sir. Amendment No. 237.

I beg to move that in clause 105, line 4, after the word "Court" the words "by the mortgagor or his successor in interest" be inserted.

I want to say a few words. This is an important thing and I want to draw the attention of the House——

Dr. NALINAKSHA SANYAL : There is no quorum.

Mr. SPEAKER : Just ring the bell. Mr. Dutt, you please go on.

Mr. DHIRENDRA NATH DATTA : Clause 105 relates to a sale held under section 96 and confirmed under section 100(*2*). It has been provided in this clause that the title of the purchaser shall not be questioned in any Court. It has not been mentioned whether the title of the purchaser can be questioned by persons other than the mortgagor. What I intend to say is this: it may happen that a person who is in possession of a property but not the real owner may mortgage the property to a land mortgage bank. If he makes default, this property may be sold in auction and purchased by a third person. If the clause as it stands remains, then the real owner of the property will not be able to question it in the Civil Court. Then there are other things. It has been held that it cannot be questioned by anybody. It is well known to you, Sir, that a Muhammadan sister is in constructive possession of the property with a Muhammadan brother. If a Muhammadan brother mortgages a property in a land mortgage bank and he makes default and the property is sold and purchased by another person, the sister who is not a party to the mortgage cannot

question it in the Civil Court. The result is that her share is gone; her title will go for ever. It cannot be contended that under section 105 the title of a person who is not a party to the mortgage will be affected. It will abrogate the principle of the Civil Procedure Code—principle of *ad judicata*, and it cannot be intended by the Legislature that the title of a purchaser cannot be questioned by any person. So I want to insert these words "by the mortgagor or his successor in interest" after the word "Court".

Mr. SPEAKER : The point is this. Suppose a property is mortgaged by a man, who is not the real owner, to the co-operative society. Will not the real owner have any right to go to the Civil Court if his right is affected in any way?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : That presupposes that the man has been fraudulent throughout. It will be in the interest of the land mortgage bank to find out who the real owner is before giving any loan.

Rai HARENDRA NATH CHAUDHURI : When will that be found out?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : We shall have general notice issued.

Rai HARENDRA NATH CHAUDHURI : You won't give any notice to the real owner.

Mr. SPEAKER: It is a very pertinent question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : I can assure my friend Mr. Datta that there is not the least ground for an apprehension of this nature. Under the amended Tenancy Act there can be mutation of shares of the tenants. There will be no difficulty. The question of sisters and brothers does not come in.

Mr. SPEAKER : The sister might be in a different district and may not be aware of anything.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : As I have said, it will be in the interest of the land mortgage bank to see that it gets the proper title deed of the person who is effecting the mortgage. If the title can be questioned it follows that the person will get no loan.

Mr. SPEAKER: So far as I can see, the result will be that if you do not make necessary modification the land mortgage bank will be involved in litigation.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : It is just to prevent a course of that nature that we have provided that it shall not be questioned in any Court.

Rai HARENDRA NATH CHAUDHURI : That will be putting a premium on fraud.

Mr. SPEAKER : In that case land mortgage bank will be a party to a collusive fraud.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : As my friend Mr. Datta suggests, if the rightful owner is going to be deprived of his interest——

Mr. SPEAKER : How do you stop the fraud? If there is somebody who has rightful claim, what will be his position?

Mr. SASANKA SEKHAR SANYAL : For example, a legatee under a will.

Mr. DHIRENDRA NATH DATTA : It often happens that the mortgagor is not a real owner. He is a trespasser and intentionally makes default, so that the property may be sold.

Mr. SPEAKER : It may be misused in the case of charitable trusts and wakfs.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : I am sorry I have got to ask for time to consider this matter.

Mr. SPEAKER : Yes; we had better leave it over for the present.

Mr. SPEAKER: Mr. Mullick, your amendment No. 151 seeking to delete clause 106 is a negative motion. You may vote against the clause itself.

The question that clause 106 stand part of the Bill was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in sub-clause (*1*) of clause 107, in line 3, after the words "subject to" the words "the provision of" be inserted, was then put and agreed to.

The question that clause 107, as amended, stand part of the Bill was then put and agreed to.

The question that clauses 108, 109 and 110 stand part of the Bill was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 111, in line 4, the words "or association" be omitted, was then put and agreed to.

The question that clause 111, as amended, stand part of the Bill was then put and agreed to.

Mr. SPEAKER: Clause 112 has been deleted.

Clause 113.

Mr. DHIRENDRA NATH DATTA: Sir, clause 113 should be omitted.

This clause lays down that if a sale be held in execution of a decree under Chapter XIV of the Bengal Tenancy Act and at the time of the sale if a concise statement of the order of attachment and proclamation of sale be not issued upon the land mortgage bank, then the sale held in execution of a mortgage will prevail over the sale held in execution of a decree under Chapter XIV of the Bengal Tenancy Act. Mr. Speaker, Sir, when a property is mortgaged to a land mortgage bank there is no provision that notice of the mortgage be issued upon the landlord. Many cases will occur in which the landlords are not aware of any mortgage made to the land mortgage bank and if the landlord is not aware of the mortgage made to a land mortgage bank in execution of a decree under Chapter XIV of the Bengal Tenancy Act——

Mr. SPEAKER: Your point is this, how will a landlord know that there is a mortgage of the land? Is that your only point?

Mr. DHIRENDRA NATH DATTA: Yes, Sir, but there is another point which I want to illustrate. Sales under Chapter XIV of the Bengal Tenancy Act *ipso facto* do not vacate a mortgage. It is known to you, Mr. Speaker, that a sale held in execution of a decree under Chapter XIV of the Bengal Tenancy Act will have the effect of annulling the encumbrances. If these encumbrances are known to him, then they can be annulled by notice under section 167 of the Bengal Tenancy Act and the notice can be served in the course of a year or one year from the date of the knowledge of the mortgage. There is no reason why special provision will be made in favour of the land mortgage bank. So, Sir, it is impossible to hold that the sale

held in respect of a mortgaged land will prevail over a sale held in execution of a decree under Chapter XIV of the Bengal Tenancy Act. That is why, Sir, I submit that this clause should be deleted.

Rai HARENDRA NATH CHAUDHURI: Sir, there is another point which I beg to urge in support of Mr. Datta's amendment. Here in section 113 the duty is cast on the Court to issue a notice and if the notice be not served on the land mortgage bank, then it is the Court's fault and not the fault of any party or the decree-holder, far less the purchaser, and for the default on the part of the Court the party, the purchasing party, will be penalised. May I enquire, Sir, what is the equity or justice of such a provision?

Mr. SPEAKER: That however is a minor point.

Rai HARENDRA NATH CHAUDHURI: But nevertheless it is a point which has also got to be considered.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it will be appreciated that it is just to protect the interests of the mortgagors that the mortgage banks seek to have a notice of an intending sale of the property in execution of a decree under Chapter XIV of the Tenancy Act. Now, Sir, the question that has been raised by Rai Harendra Nath Chaudhuri is as to how the landlord is going to know that there is a mortgage effected by one of his tenants with respect to his holding. That is provided for in 113A (*1*) (*a*) where it is provided that "in such manner as may be prescribed, notify the zemindar of the execution of such mortgage."

Mr. DHIRENDRA NATH DATTA: Well, that relates to the mortgage of a *patni taluk* which is provided for thus:—

> "Notwithstanding anything contained in the Bengal Patni Taluks Regulation, 1819, when a mortgage is executed in favour of a co-operative land mortgage bank in respect of any tenure or holding comprised within such *patni* taluk, etc."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That, Sir, is in 113B.

Mr. DHIRENDRA NATH DATTA: 113B, Sir, relates to revenue-paying estates. Besides *patni taluks*——

Mr. SPEAKER: I think there must be some provision for giving notice to landlords. I think that instead of deletion of this clause if some assurance is given that there will be some provision for notice to a landlord, that will satisfy Mr. Datta.

Mr. DHIRENDRA NATH DATTA: Yes, Sir, if the landlord is aware that a land is mortgaged, then the man will make a declaration to that effect so that the interests of the landlords may not suffer.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I have detained the House. Since we have this in 113A and 113B with regard to tenures and revenue-paying estates, I hope, Sir, you will be good enough to hold over this clause to-day in order that we may examine it further.

Mr. SPEAKER: All right; this clause is then held over till to-morrow.

Clause 113A.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 113A (*3*), in line 4, after the word "Collector" the words "within such time as may be prescribed" be inserted.

Sir, I only want to put a time-limit and that is why I have put in this amendment, and I suppose that this will make the clause sufficiently clear. I therefore hope that the Hon'ble Minister will have no difficulty in accepting my amendment.

Mr. SPEAKER: The time is limited *ipso facto* by the Bill itself. The Sale Law provides that even if at the last moment the money is deposited, the sale can be stayed.

The motion was then put and lost.

The question that clause 113A stand part of the Bill was then put and agreed to.

Clause 113B.

The question that clause 113B stand part of the Bill was then put and agreed to.

Clauses 114 and 115.

The question that clauses 114 and 115 stand part of the Bill was then put and agreed to.

Clause 116.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in sub-clause (*1*) of clause 116, in line 8, after the word "law" the words "for the time being in force" be inserted.

The motion was then put and agreed to.

The question that clause 116, as amended, stand part of the Bill was then put and agreed to.

Clause 117.

The question that clause 117 stand part of the Bill was then put and agreed to.

Clause 118.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 118, in lines 10-11, for the words "is provided in the case of a Civil Court under" the words "provided in" be substituted.

The motion was then put and agreed to.

The question that clause 118, as amended, stand part of the Bill was then put and agreed to.

Clauses 119 and 120.

The question that clauses 119 and 120 stand part of the Bill was then put and agreed to.

Clause 121.

Mr. SPEAKER: Dr. Sanyal, will you please move your amendment to this clause?

Dr. NALINAKSHA SANYAL: May I submit, Sir, that at this fag end of the day when the House has hardly any quorum this clause which is an important one may not be taken up to-day. We can start with this clause to-morrow. It relates to a very important provision about charge and surcharge, and there will be a pretty long debate over this.

Mr. SPEAKER: Well, I am quite willing to leave it to-day, but let us dispose of the other clauses, for instance, clause 122.

Dr. NALINAKSHA SANYAL: Sir, the next clause 122 is interconnected with clause 121. So I submit that this too may not be taken up to-day.

Mr. SPEAKER: All right. We have already left over clauses 47 and 113, and we are going to leave over clause 121 and clause 122.

Clause 123.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in paragraph (*a*) of clause 123, line 1, for the words "prescribed by" the words "provided in" be substituted;

that for paragraph (*b*) of clause 123 the following be substituted, namely:—

"(*b*) where no time is so provided, within such time, having regard to the nature and extent of the action to be taken, as the Registrar may specify by a notice in writing,";

that in clause 123, in line 13, for the word "him" the words "such officer" be substituted; and

that in clause 123, in line 15, for the word "he" the words "the Registrar" be substituted.

The motions were then put and agreed to.

The question that clause 123, as amended, stand part of the Bill was then put and agreed to.

Clause 124.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in clause 124, in line 1, after the word "payable" the words, figures and letter "to the Provincial Government or to a Co-operative Society or the authority constituted under section 76A" be inserted;

that in clause 124, in line 3, for the words "laid down" the word "provided" be substituted;

that in paragraph (*a*) of the proviso to clause 124, line 1, for the words "is more than" the word "exceeds" be substituted; and

that in paragraph (*b*) of the proviso to clause 124, line 1, for the words "is thirty rupees or less" the words "does not exceed thirty rupees" be substituted.

The motions were then put and agreed to.

The question that clause 124, as amended, stand part of the Bill was then put and agreed to.

Dr. NALINAKSHA SANYAL: There is no quorum, Sir.

Adjournment.

It being 7-35 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 31st July, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 31st July, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 207 members.

STARRED QUESTIONS

(to which oral answers were given)

Inspectress of Schools for Dacca Circle.

***91. Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state when the post of the Inspectress of Schools, Dacca Circle, was created?

(*b*) Will the Hon'ble Minister be pleased to state whether any Muslim lady has ever held this post since its creation?

(*c*) If the answer to (*b*) is in the negative, do the Government contemplate the appointment of a Muslim or European Inspectress to this post in the near future?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The post was originally created in 1908. The designation then was "Inspectress of Schools for Eastern Bengal and Assam".

(*b*) No.

(*c*) The question does not arise until such time as the post falls vacant permanently.

Sir, as regards answer (*c*) that has been printed I would modify this answer to this extent that after this question was put I have made enquiries and I think some investigation of facts is necessary. I am looking into it.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether there is any possibility of appointing a special Muhammadan Inspectress of Schools?

Mr. SPEAKER: That question does not arise.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am looking into that question.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether any Muhammadan Inspectress can be transferred to the Dacca Circle from other Circles?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is one of the points which will be considered.

Recruitment of Deputy Jailors.

*92. **Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the method of recruitment to, and

(*ii*) the qualifications required of a candidate for,

the post of a Deputy Jailor?

(*b*) Will the Hon'ble Minister be pleased to state whether any Deputy Jailors have recently been appointed?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing their—

(*i*) names;

(*ii*) age;

(*iii*) educational qualifications; and

(*iv*) home districts?

(*d*) Will the Hon'ble Minister be pleased to state whether the vacancies were advertised in the official gazette and newspapers inviting applications from candidates?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Recruitment is made (*i*) ordinarily by selection of candidates from those who pass the B.C.S. Examination but fail to get appointments in one or other of the services for which

the examination is held, (*ii*) by promotion of Assistant Jailors, (*iii*) by promotion of jail clerks in exceptional circumstances, and (*iv*) from outsiders if no qualified B.C.S. candidates are available. The qualification required of an outsider is that he should have passed the I.A. or I.Sc. Examination of the Calcutta University or the Intermediate Examination of the Board of Secondary and Intermediate Examination at Dacca.

(*b*) Yes. Four Deputy Jailors (2 permanent and 2 temporary) have been appointed in 1940.

(*c*) A statement is laid on the table.

(*d*) Out of the four vacancies in 1940 two—one permanent and one temporary—were advertised in the *Star of India* and two selected from the B.C.S. candidates.

(*e*) Does not arise.

Statement referred to in reply to clause (c) of starred question No. 92.

(1) Hindu candidate—

(*i*) Name—Santipriya Ghose.

(*ii*) Age—25 years and 7 months.

(*iii*) Educational qualifications—B.A. and also passed the B.C.S. Examination.

(*iv*) Home district—Faridpur.

(2) Muslim candidate (outsider)—

(*i*) Name—Anwarul Huq.

(*ii*) Age—23 years and 2 months.

(*iii*) Educational qualifications—B.A.

(*iv*) Home district—Nadia.

(3) Muslim candidate (outsider)—

(*i*) Name—Syed Ahmed.

(*ii*) Age—22 years and 5 months.

(*iii*) Educational qualifications—B.A.

(*iv*) Home district—Malda.

(4) Hindu candidate—

(*i*) Name—Lokenath Banerjee.

(*ii*) Age—26 years and 7 months.

(*iii*) Educational qualifications—M.A. and also passed the B.C.S. Examination.

(*iv*) Home district—Dacca.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state why of all newspapers the *Star of India* was alone selected for advertisement?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that those appointments were reserved for Muslims. I am of course speaking subject to correction.

Mr. SURENDRA NATH BISWAS: With reference to answer (*d*), will the Hon'ble Minister be pleased to state why that advertisement was not published in the Official Gazette?

Mr. SPEAKER: I do not think it follows that it was not published.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it was published in the Official Gazette?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether any members of the Scheduled Castes applied for the posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state why was it not published in the *Azad*?

Mr. SPEAKER: That question does not arise.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister please state whether candidates Nos. 1 and 4 were age-barred?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Protection of the bank of river Dharla at Kurigram.

*94. **Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that in April last the Irrigation Department of the Government submitted a report, plan and estimate for the protection of the bank of the river Dharla at Kurigram, district Rangpur, stating that Government buildings have been washed away and the safety of the remaining Government property costing over Rs.50,000 as well as private properties is being threatened;

(*ii*) that the plan of the department was 5 spur works along the bank of the river;

(*iii*) that the cost of the work has been estimated at about Rs.5,500; and

(*iv*) that in the opinion of the departmental experts the scheme was likely to be affective?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government contemplate taking up of the protection work?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): On receipt of a copy of a resolution passed by the Kurigram Union Board recommending the re-excavation of the old bed of the river as a measure likely to prevent further erosion of the banks of the existing channel of the Dharla, a report on the proposal was called for. Along with the report on the Board's suggestion I examined an alternative proposal which involved the construction of 5 spurs at an estimated cost of about Rs. 6,450. The advice which I received, however, was such that I did not feel justified in recommending the expenditure of public money on a project which in a more elaborate and expensive form had been abandoned by Government last year. The honourable member will no doubt recall the fact that an adjournment motion in regard to that decision of Government was rejected by this House.

Mr. ATUL CHANDRA SEN: The Hon'ble Minister says that a saving was effected by not adopting the proposal which involved an estimated cost of Rs. 6,450. May I know whether this proposal came from the Irrigation Department?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. That proposal was considered by the Irrigation Department at the request of the union board.

Mr. ATUL CHANDRA SEN: Was the Hon'ble Minister satisfied that by giving effect to this proposal Government properties and private properties referred to in question (*a*) might have been saved?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The question of protecting Government properties does not arise as the subdivisional headquarters had already been shifted.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government has considered the desirability of making some sort of arrangement to protect the bank?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may state that the policy of Government in this respect is only to protect Government property, and as I have said just now the subdivisional headquarters having been shifted no useful purpose would be served by spending money in that direction.

Arson cases in Fatikchari police-station, Chittagong.

***95. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing from January, 1938, up to date, year by year and union by union, for the police-station Fatikchari, district Chittagong, the number of arson cases reported to the police?

(*b*) Is the Hon'ble Minister aware that the number of arson cases in the said thana is on the increase?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) and (*c*) Crime under this head is on the decrease this year, but the figure for 1939 was higher than for previous year.

The reason of the increase in 1939 is not known.

Statement referred to in reply to clause (a) of starred question No. 95, regarding arson cases of Fatikchari police-station from 1st January, 1938, up to date, showing figures, year by year and union board by union board.

Name of union board.	Number of arson cases.		
	1938.	1939.	1940 (up to 7th July).
1. Dantmara	1	1	..
2. Narayanhat	..	..	..
3. Bhujpur	..	..	..
4. Harualchhari	..	..	..
5. Paindong	..	..	..
6. Kanchannagar	1	..	1
7. Bibirhat	..	..	1
8. Sundarpur	..	1	..
9. Suabil	..	..	..
10. Daulatpur	..	1	..
11. Lelang	1	..	..
12. Nanupur	..	..	..
13. Roshangiri	..	..	..
14. Bakhtapur	..	2	..
15. Dharmapur	..	2	..
Total	3	7	2

UNSTARRED QUESTIONS

(answers to which were laid on the tabe)

Appointment of more Scheduled Caste candidates in the Ahsanullah School of Engineering at Dacca.

49. Mr. DHANANJOY ROY: (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that claims of the Scheduled Castes are not considered at the time of recruitment of candidates either in the clerical and teaching staff or in the workshop department of the Ahsanullah School of Engineering at Dacca;

(*ii*) that the Principal of the said school maintains communal ratio at the workshop; and

(*iii*) that no communal ratio is maintained in the office and the teaching staff?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the maintenance of communal ratio in every branch of that school?

(*c*) If so, do the Government contemplate the appointment of the Scheduled Caste candidates in all future vacancies in the office and teaching staff of the said school till the ratio is reached?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) No. The claims of Scheduled Castes are considered.

(*ii*) He aims at the communal ratio in all departments of the school.

(*iii*) The member is referred to the reply to (*i*).

(*b*) Yes, as vacancies arise.

(*c*) Yes, to the extent prescribed by the rules, provided suitable candidates are available.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether Government will consider applications from suitable candidates from outside Bengal to maintain the communal ratio?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, if necessary. That will be done, but in order to give the Assembly certain facts I want to answer the question in a different way from what has been stated in the printed answer. There has been no vacancy in the teaching staff of the school since 1931; so the question of communal ratio does not arise there. At the present moment there are 22 posts in the workshops which are held by members of different communities as follows: Muslims—9, Scheduled Castes—9; and Caste Hindus—4. I have already given the rest of the answer.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how many appointments were made in the office since the communal ratio was fixed?

Mr. SPEAKER: He has already said that there is no vacancy.

Mr. SURENDRA NATH BISWAS: Yes, Sir, but that relates to the teaching staff. I want to know how many appointments were made in the office.

The Hon'ble Mr. A. K. FAZLUL HUQ: As to that I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to ascertain whether Scheduled Castes members of this House desire that Scheduled Castes candidates should be obtained from outside the province?

Mr. SPEAKER: That question does not arise.

Agitation by Maghadia Krishak Samiti for reduction of rents.

50. Khan Bahadur MD. ANWARUL AZIM: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*a*) that the Secretary to the Maghadia Krishak Samiti has been submitting memorials both to the Collector and the Revenue Board for reduction of rents; and

(*b*) that recently he has been threatened with prosecution by the Collector, Chittagong, if he submits further memorial for reduction of rents?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) No.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if the constitutional procedure for reduction of rent is illegal?

Mr. SPEAKER: I cannot understand your question.

Mr. ATUL CHANDRA KUMAR: Is sending memorials to the Collector or to the Revenue Board illegal?

Mr. SPEAKER: Why?

Mr. ATUL CHANDRA KUMAR: Because it has been said that the Collector of Chittagong has threatened——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What is constitutional cannot be unconstitutional and illegal.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if he is aware that in some districts District Magistrates and District Authorities threaten with prosecution those workers who try to lead deputations or submit applications or memorials to the Collectors?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Far from threatening memorialists with prosecution, speaking from memory, I can say that actual reduction of rent has been granted in Char Maghadia and the rent has been brought down by Government.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any action has been taken by Government with regard to the memorial from the Maghadia Krishak Samiti?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have already replied to that question.

Mr. SPEAKER: Were you sleeping, Mr. Biswas? (Laughter.)

Mr. SURENDRA NATH BISWAS: I am sorry, Sir. I heard Char Maghadia and so I thought it was a different place.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the rate of reduction of rent that he has given to the people of Maghadia?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Speaking from memory again, the rate was, I think, Rs. 12 per *sahi kani*, and it has been brought down to Rs. 10.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state on what date the reduction of rent was given effect to?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think in 1934

Khan Bahadur Maulvi FAZLUL QUADIR: Actually on what date was the effect given?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Whether it was actually given effect to in 1934 or retrospective effect from 1934 was given, I do not exactly remember.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state what was the total reduction of the collection?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ কোরে বোলবেন এই যে reduction দেওয়া হোয়েছে এটা কি কৃষক সমিতির আন্দোলনের জন্য না গভর্ণমেণ্ট নিজে থেকেই বিবেচনা কোরে এই reduction কোরেছেন ?

Mr. SPEAKER: That question does not arise.

Starred Question No. 93.

*93. **Mr. SPEAKER:** I am sorry, the Hon'ble Finance Minister is not yet here to answer this question. Is this within the jurisdiction of the Hon'ble Home Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is beyond my jurisdiction.

May I suggest that this question may be put off till to-morrow?

Mr. SPEAKER: All right.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1938.

Clause 47.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to clause——

Mr. SURENDRA NATH BISWAS: Sir, I have been asked by Dr. Nalinaksha Sanyal to request you to pass over other clauses and to take up clause 47 now so that he may be given an opportunity of taking part in the discussion of other clauses after half an hour.

Mr. SPEAKER: Yes, it is clause 47 which will now be taken up.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to clause 47, I may inform the House that I am prepared to accept amendment No. 73 of Mr. Satyapriya Banerji. Over and above that, I am going to accept in principle the suggestion made by Rai Harendra Nath Chaudhuri with regard to clause 47 (*1*) (*e*) about repairs. I have put forward a fresh draft in this connection because the word "repair" appears in several places——.

(At this stage the Hon'ble Mr. H. S. Suhrawardy entered the Chamber.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry, I could not be present at the question time.

Now, Sir, may I know if the practice of reserving particular dates for particular Ministers may be followed here?

Mr. SPEAKER: Yes, that can be worked upon if there is somebody in the Secretariat to control the number of questions; for example your department may have only one question on a particular day, and if the questions of other departments are not allowed on that day, we will have to sit idle. Of course, I can discuss this matter with you on a convenient date.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the position, therefore, is this that I am accepting the suggestion of Rai Harendra Nath Chaudhuri in principle and I am putting in a fresh draft.

Mr. SPEAKER: So you are accepting amendment No. 73?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir, I am prepared to omit the word "prior".

Now, Sir, I beg to move that for clause 47 (*1*) (*e*) the following be substituted, namely:—

"(*e*) if such debt or demand is due in respect of any loan for the purchase or construction of any house or building or any portion thereof or in respect of the supply of materials for such construction,—upon the house or building so purchased or constructed by such member, past member or deceased member wholly or in part from any such loan or material."

Mr. SURENDRA NATH BISWAS: Sir, may we now move our amendments on this clause? My amendments are Nos. 258, 259, 260, 261, 262 and 272. I will not move amendment No. 259.

Sir, may I enquire before I proceed, when the Hon'ble Minister has accepted Mr. Satyapriya Banerji's amendment and deleted the word "prior", is there any necessity for retaining the words "in the Bengal Tenancy Act, 1885"?

Mr. SPEAKER: That is another matter.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 47 (*1*), line 2, the word and figure "60 and" be omitted.

Sir, in clause 60 of the Code of Civil Procedure it is stated that some properties meaning thereby the implements of husbandry belonging to an agriculturist and such cattle and grains as may in the

opinion of the court be necessary to enable him to earn his livelihood and such portion of agricultural produce or any class of agricultural produce as may have been declared to be free from liability under section 61 of that Code and houses and other buildings belonging to an agriculturist shall not be liable to attachment and sale.

Now, Sir, my amendment is to protect these properties from the clutches of the Co-operative Societies Bill——

Mr. SPEAKER: Will you first move all your amendments together?

Mr. SURENDRA NATH BISWAS: Sir, all my amendments do not refer to the same thing.

Mr. SPEAKER: That does not matter.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 47 (*1*) line 9, after the word "member" the following words be inserted, namely:—

"and registered in the books of such society in the prescribed manner."

Sir, I also beg to move that in clause 47(*1*), line 9, the word "first" be omitted.

I also beg to move that the following explanation be added to clause 47(*2*), namely:—

"*Explanation.*—The word 'transferee' in this sub-section shall include the holder of a security under a deed of mortgage or hypothecation."

Sir, I also beg to move that in clause 47 after sub-clause (*2*), the following new sub-clause be added, namely:—

"(*3*) Nothing in this section shall apply to any debt or demand due to a co-operative society in respect of a loan advanced by the society before the date of commencement of this Act."

Sir, as I was going to say on my amendment No. 258, I shall request the Hon'ble Minister and the members of this House, specially the members of the Coalition Party, to consider the position that would be created by the Co-operative Societies Bill with regard to the interest of the poor agriculturists. Sir, by section 60 of the Code of Civil Procedure the implements of husbandry belonging to an agriculturist and his cattle have been exempted from attachment and sale. Not

only that. Such grain as may, in the opinion of the court, be necessary to enable him to earn his livelihood has also been exempted by that section. Besides, the houses and other buildings——

Mr. SPEAKER: May I point out to you that it is not compulsory for the co-operative society to give loans. Is'nt it?

Mr. SURENDRA NATH BISWAS: No.

Mr. SPEAKER: Supposing you pass this legislation, will any co-operative bank give a loan for the purchase of cattle with that money? What is the use of passing a law which is impracticable? Let us discuss this Bill from a practical point of view. You are passing the legislation in a form in which it seems that the liability is of the money-lender; so far as the debtor is concerned, he has no responsibility.

Mr. SURENDRA NATH BISWAS: We are also passing a law knowing it fully well that there will be a register to show that so and so loan is taken for so and so purpose, and the societies will stick to that. Unless and until the Hon'ble Minister withdraws the clause as it stands to-day, I submit that this clause will take away the rights of the poor agriculturists which they have been enjoying under section 60 of the Civil Procedure Code. I do not see any logic or reasons for depriving the poor agriculturists of those rights. It will not be the first time that the agriculturists will be given loan by the co-operative societies. They have been borrowing money from the existing societies from generation to generation. The money-lenders also lent them money and realised it, when the agriculturists were in a position to repay the loan, and still section 60 of the Civil Procedure Code remained to give them some protection. Neither the societies nor any money-lender grudged that, but the author of the Bengal Co-operative Societies Bill comes with a hammer to knock down those interests of the agriculturists which they have been enjoying from generation to generation.

Mr. SPEAKER: Do you know the percentage of the overdue debt?

Mr. SURENDRA NATH BISWAS: It is because of the joint and several liabilities of the members of the co-operative societies.

Mr. SPEAKER: It is something to know that part of that will fail.

Mr. SURENDRA NATH BISWAS: The whole movement will fail. I am sure no amount of legislation will be able to develop or to protect these societies in future so long as joint and several liabilities of the members will remain. However, Sir, I only wish to draw the

attention of the honourable members of this House and especially the members of the Coalition Party with whose strength the Hon'ble Minister wants to defeat us, to the implication of this clause and, I hope, if they realise the same, they will support my amendment for the deletion of the word and figure "60 and" from sub-claue (*1*) of clause 47.

I now come to my amendment No. 260. If my amendment is accepted, then the clause will read thus "any debt or outstanding demand owing to a co-operativey society by any member, past member, or the estate of any deceased member and registered in the books of such society in the prescribed manner shall be the first charge, etc."

What I want is the registration of the loans in the prescribed manner and I hope if my amendment is accepted, Government will draw up a form of that register to show that so and so person is going to borrow money for so and so purpose as mentioned in this clause.

Mr. SPEAKER: I am sorry here again every debt due to a co-operative society is registered.

Mr. SURENDRA NATH BISWAS: There are ledgers only to show that so and so has borrowed money.

Mr. SPEAKER: If you once go to a co-operative society you will see that they maintain a history of debt paid, overdue amount taken and everything else. That is what you want.

Mr. SURENDRA NATH BISWAS: Yes, but I want further that the particular purpose for which a loan is taken be registered. You see the implication of clause 47. The implication is that the debt to the society will be the first charge, if such debt is in respect of a particular purpose. That is the burden of the whole clause. In all sub-clauses you will find the debt for——

Mr. SPEAKER: There also every member of the co-operative society who takes a loan has to state the purpose for which he takes the loan.

Mr. SURENDRA NATH BISWAS: If that is so, I do not insist on my amendment. But I am afraid there is no register to show the purpose. What I want to know is, where a particular member who wants to borrow money from me, say, for purchasing land or for building a house, whether he has also borrowed money from a particular society for that particular purpose, I want that these particulars should be noted in the register and that I shall be entitled to get a copy of that register or to inspect it. If I am permitted to do so, then I shall be satisfied.

Then, Sir, so far as my amendment No. 261 is concerned, it is to delete the word "first" before the word "charge." I do not grudge that the co-operative society loan will be a charge upon the property for which the loan is given, but I do not find any logic why the co-operative society loan should be the first charge in all cases. Let it be a charge and let the charge along with other charges take precedence in the order of the dates of the respective debts.

Mr. SPEAKER: So that you can go to a money-lender, incur there a debt and sell the property purchased by the money taken from a co-operative society.

Mr. SURENDRA NATH BISWAS: My friend Dr. Sanyal has moved an amendment to the effect that the society loan should be "subject to a secured debt". But I want something else. I want that let equity be applied and let justice be done to all the money-lenders who will lend money to the members of co-operative societies. If any person borrows money from a co-operative society to-day for acquiring a property and then borrows money from an outsider to-morrow mortgaging the same property, let that mortgage be a second charge, subject to the first charge of the co-operative society. But if a particular member of a co-operative society borrows money from me to-day against a property and then again borrows money from the co-operative society to-morrow for the same property, it is preposterous to lay down by legislation that the co-operative society's money which has been borrowed later will be the first charge.

Then I want the Hon'ble Minister to consider another feature of this clause for which also this amendment of mine should receive due consideration. In sub-clauses (*d*) and (*e*), the objection that was put forward the other day to the retention therein of the words "wholly or in part" still holds good, because by the amendment made by the Hon'ble Minister to-day he has not removed that objection. Take the example of a member of a co-operative society who has borrowed Rs. 500 to-day for several purposes, say, for defraying the expenses of the marriage of his daughter and for other purposes including the purpose of purchasing land. Clause (*d*) states that if any part of that Rs. 500, even if Rs. 5 of that Rs. 500, is applied to the purchase of a particular plot of land the whole money will be the first charge on that land.

Now, Sir, suppose that a member of a society borrows from a lender a sum of Rs. 500 to purchase land worth Rs. 505, upon the security of that land. Then he borrows another sum of Rs. 500 from his society for many purposes including purchase of that land and utilises the small sum of Rs. 5 only out of Rs. 500 of the co-operative money to purchase that land. Is it fair and just that the co-operative loan which amounts to Rs. 500, and only Rs. 5 out of which has been spent

for the purpose of purchasing the land, should be a first charge upon the entire land? I do not find any reason or logic behind such a provision. Similar is the case with regard to the purchase or construction of a house. If those words "whether in whole or in part", are retained and even if a small portion of the co-operative society's loan is applied to any of the transactions referred to in sub-clauses (*d*) and (*e*), the whole of the society money will be a first charge in respect of such transaction. This is nothing but despotism. In view of these serious and outrageous implications, my amendment to delete the word "first" and my amendment No. 262 which wants to add an explanation, namely, that the word "transferee" in this sub-section shall include the holder of a security under a deed of mortgage or hypothecation, should be accepted.

Mr. SPEAKER: Well, yours is a very roubst definition wherein you say that "transferee" means the holder of a security under a deed of mortgage or hypothecation.

Mr. SURENDRA NATH BISWAS: Yes, Sir. Mortgage is also a transfer.

Mr. SPEAKER: It may not be an absolute transfer but may be only partial.

Mr. SURENDRA NATH BISWAS: In any case, it is a transfer. So, Sir, this explanation should be accepted. If you kindly go through sub-clause (*2*) you will find that the claims of any *bonâ fide* purchaser or transferee of value without notice have been exempted. Now I want that the word "transferee" includes the holder of a security whether under a deed of mortgage or hypothecation without notice; because it is only fair that if a security-holder has lent money without notice of the property being a charge to the co-operative society, his rights should not be jeopardized by this special law. That is the object of my explanation. Would it be just and fair to victimise a *bonâ fide* security-holder without notice, while we all recognise the fact that it will not be possible for any outsider to know whether a borrower is a member of any co-operative society in any part of this province? Sir, a person may be a member of a co-operative society in Calcutta and at the same time may also be a member of a co-operative society in the village. The village money-lender may know a person to be a member of his village society but may not know whether that particular person is a member of a co-operative society in Calcutta. If he lends money against security without notice of the borrower's liability to the Calcutta co-operative society, should he suffer? If, however, he lends with notice, then and then alone may that society claim a first charge on the money which it lent. But unless and until

he gets notice of the liability of the borrower to a society, I do not find any reason why the innocent and *bonâ fide* lender should be victimised by this law.

(At this stage the member reached the time-limit.) I hope, Sir, you will please give me five minutes more for I have yet to move my last amendment No. 272.

Mr. SPEAKER: In that case you can continue, but please be short.

Mr. SURENDRA NATH BISWAS: I shall be short, Sir, but had I moved all my amendments separately I would have got more time.

Sir, I demand by amendment No. 272 that the provisions of this clause should not apply to any debt in respect of any loan advanced before the commencement of this Act. I feel that if clause 47 with its sub-clauses comes into force, then the interests of many *bonâ fide* lenders will be jeopardized, because this clause without the new sub-clause proposed by me will have retrospective effect and that retrospective effect will harm the interests of the innocent lenders. Sir, I understand that the demand of a co-operative society may be in respect of an ascertained debt. The loan may have been very old—5 years or 7 years old—but after the commencement of this Act the dues of the society in respect of such previous loan, when demanded, will become a first charge upon the borrower's properties, while the dues of a private lender who has before the commencement of this Act advanced money upon mortgage of the properties of that borrower will become a second charge.

Mr. SPEAKER: But is this provision going to be retrospective?

Mr. SURENDRA NATH BISWAS: Yes, Sir, kindly ascertain the position from the Hon'ble Minister. I understand from him that the dues or demand, whatever they may be, of a co-operative society, even in respect of a previous loan, shall be a first charge.

Mr. SPEAKER: But I have already got a right accrued under the existing law and that right cannot be taken away!

Mr. SURENDRA NATH BISWAS: That is, Sir, what I want. If that is the position then the Hon'ble Minister can have no reason not to accept my amendment. It is very clear, Sir.

Mr. SPEAKER: If the amendment is not accepted, then the position will be that every mortgagor will immediately put his property to sale.

Mr. SURENDRA NATH BISWAS: In that view, Sir, let some protection be given against such sale. If you can give such protection under the Money-lenders Act then let similar protection be given for that here also, so that the mortgagee may not put all the properties of their mortgagor to sale. If this law is passed with retrospective effect, then I should submit that it will transcend the outrage which has already been committed upon the credit system of this province by the Money-lenders Act. Sir, even the authors of the Money-lenders Act——

Mr. SPEAKER: That will do, Mr. Biswas.

Mr. SURENDRA NATH BISWAS: All right, Sir, I stop here. But is the Hon'ble Minister going to accept my amendment?

Mr. SPEAKER: That I cannot say. I have drawn his attention to this point.

Mr. SURENDRA NATH BISWAS: What I am pointing out is that unless there is something specifically clear in the Act that it does not mean retrospective effect then all the mortgagees who have taken mortgages from persons who are members of co-operative societies may, as happened on the eve of the Money-lenders Act coming into force, immediately rush to court and bring the mortgaged properties to sale. That may be one evil. But the retrospective effect is a greater evil, and both these evils I want to avert. I hope the Hon'ble Minister will make this point clear.

With these words I commend my amendments to the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: Sir, I do not consider that the amendment now tabled by the Hon'ble Minister is in any way an improvement upon the original drafting. Our contention was that if the house for the construction or purchase of which the debt is incurred was subject to a previous mortgage to some other person then the previous mortgage cannot be wiped out. The debt due to the co-operative bank cannot be a first charge in view of this previous mortgage. The contention was that if the house for the purchase or construction of which the loan is taken, and the debt is incurred, was subject to a previous mortgage, then certainly the debt due to the co-operative bank for the purchase of the house cannot be a first charge. It is really making an inroad upon the Transfer of Property Act itself.

There is no provision, Sir, in the Act itself, either in the Co-operative Bill or in the Act, that it can make any encroachment on the

Transfer of Property Act. The previous mortgage must have precedence over the subsequent simple debt. Even if the debt be incurred for the construction of a house or for the purchase of a house previously mortgaged, I think, Sir, there is no escape. I think we have not got power like that. This Assembly cannot take away the provisions of the Transfer of Property Act. It is clear that that was the intention of the framers of the clause itself, because the only things that have been referred to are sections 60 and 61 of the Civil Procedure Code. Mr. Speaker, Sir, you are aware that section 60 deals with certain things which are not liable to attachment, as for instance, cattle, tools of artisan, necessary apparel, etc., and section 61 deals with exemption of agricultural produce. Though sections 60 and 61 have been referred to, no mention has been made of the Transfer of Property Act. It cannot be contended that the house previously mortgaged and the debt under the mortgaged bond will be wiped away. Sir, the only thing that is allowed to have precedence is mentioned in clause (*l*), namely, "or any sum recoverable as rent." With regard to that there is an amendment of Dr. Sanyal suggesting the addition of the words "or any secured debt" after the words "as rent", and I think it is necessary.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am afraid there has been a considerable misapprehension about this matter. Clause 47 of the Bill only seeks to provide that when some money is taken from a co-operative society for certain purposes, the society shall have the first charge for the realization of its dues from the member as he benefits himself by using that money with respect to those matters. Sub-clauses (*a*), (*aa*), (*b*) and (*c*) will show the purposes for which money can be taken and when money is taken and utilized for any such purpose, I submit there is no escape from the conclusion that the member must be made liable to pay that money to the society when he has taken money and has done something with it. Now, Sir, so far as the amendment of Mr. Biswas No. 250 is concerned, I am extremely sorry to have to observe that he is labouring under a serious misapprehension, for clauses 48A and 124 of the Bill already agreed to by the House will show distinctly as to how the different dues can be realized. So far as section 60 of the Civil Procedure Code is concerned, my friend Mr. Dutta has pointed out that it provides for exemption of agricultural implements and so forth from attachment, but when we have made a provision in clause 124 showing the amount that can be attached out of the man's earnings, that makes the position clear as to what we intend to do. So far as section 60 is concerned, there is a further amendment made by the Central Legislature when they added a sub-section (*i*) saying that salaries up to Rs. 100 per month cannot be attached. If that

were to hold good with respect to the earning of a member of a co-operative society, then the position will be that no money due to a co-operative society can be realized when a man's income does not exceed Rs. 100 a month. Just to provide a safeguard against a contingency of that nature a specific provision in this clause 47 has been made. If we are to accept his other amendment No. 261 that it should not be made the first charge, then it is better to delete the whole clause, because, when these things are done, it must be understood that we must have the first charge upon the particular results achieved when he takes his loan from the co-operative society.

So far as the question of registry in the books of the society is concerned, you, Sir, have pointed out to my hon'ble friend how it is done. When a member comes and asks for a loan, he has got to fill up an application form showing the amount that he needs, the purpose for which the loan is required, etc. The books of the society do show all these things. So there need be no apprehension.

With regard to 262, about the interpretation of transferee, I do not think I need advance any further argument.

With regard to amendment No. 272, whether it should have retrospective effect, I believe, Sir, the position is that no substantive law has any retrospective effect unless it is specifically mentioned in the Act itself. As regards the power of the co-operative society to have its dues realized from the members, one of the existing sections of the present Act,—viz., section 19 of Act II of 1912,—shows that it has that power.

As regards the point made by my friend Rai Harendra Nath Chaudhuri, although he has not tabled an amendment, we have considered this question, and all that I can say to him is that we exactly feel in the same way——

Mr. SPEAKER: So far as section 19 is concerned, it deals with money borrowed for the purchase of cattle, fodder, agricultural and industrial implements, machinery, etc. But you are going beyond that.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am coming to that, Sir.

Mr. SPEAKER: The result will be this. Supposing a man has got a mortgage upon property and he is a co-operative society member. If this Bill is passed, the mortgagee will rush to the Court.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If he takes money from the co-operative society for that purpose, he is expected to redeem that mortgage before he makes any other use of it. That is what is provided in sub-section *(d)*.

Mr. SPEAKER: The difficulty comes in when it becomes partial redemption.

Rai HARENDRA NATH CHAUDHURI: Redemption may be in respect of any other loan, not contracted for the purpose of purchase of land.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think we have examined this suggestion very carefully. We agree entirely with Rai Harendra Nath Chaudhuri, but we do not think that any further addition is necessary. When there is a question of redemption it must be a redemption of the land that a man might have mortgaged before.

Rai HARENDRA NATH CHAUDHURI: Difficulties will arise if there are two or three mortgages.

Mr. SPEAKER: Suppose a man has given a loan of Rs. 500. He does not know what the Court's decision will be. The result will be that even if there is a chance of partial redemption, he will not wait for that, but he will rush to Court.

Rai HARENDRA NATH CHAUDHURI: Not only that. There may be more than one mortgage—two or three mortgages—one in respect of loan for the purchase of land, and another for quite a different purpose. This will apply to the redemption of land in respect of subsequent mortgages.

Mr. SPEAKER: Please get the question examined.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We have examined this question, Sir.

Mr. SPEAKER: It is better to be clear on this point. There is time yet.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Would it meet with the wish of my friend Rai Harendra Nath Chaudhuri if we delete the words "or in part" from (*d*)?

Mr. SPEAKER: I think if it is "in whole" it will be perfectly legitimate.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Very well, Sir, I shall do that.

Rai HARENDRA NATH CHAUDHURI: That will meet one of our objections and not the other. We have two objections with regard to this sub-clause, one regarding these words "or in part" and the other regarding "redemption". Please apply your mind to these two things.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As regards redemption, of course we agree——

Rai HARENDRA NATH CHAUDHURI: If he agrees with me in substance, then why can't he accept the amendment?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We entirely agree with what he says, but we think that it is not necessary.

Mr. SPEAKER: That will meet all the objections, I think.

Rai HARENDRA NATH CHAUDHURI: I don't think so.

Mr. DHIRENDRA NATH DATTA: On a point of information, Sir. If the debtor defaults in making payment and as a result his house is sold and then he makes default in payment of the mortgage debt—the house was previously mortgaged—and the mortgagor brings a suit and purchases the property, which sale will prevail?

Mr. SPEAKER: You answer that in Court. (Laughter.)

I take it that the present position of Government is that so far as sub-clause (*d*) of clause 47 is concerned, they will delete the phrase "in whole or in part" and from sub-clause (*e*) they will delete "wholly or in part". That is to say whenever any land or property is purchased wholly or the building constructed wholly, the co-operative society will have the first charge.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move this short notice amendment, *viz.*, that in clause 47(*1*)(*d*), in line 4, the words "in whole or in part" be omitted. In amendment No. 273 moved by me to-day the words "wholly or in part" also should be deleted. A slight consequential change should also be made in my amendment No. 65 which was previously moved by substituting "and (*d*)" in place of "(*d*) and (*e*)".

Mr. SURENDRA NATH BISWAS: Why not retain the word "wholly", Sir?

Mr. SPEAKER: I am afraid, Mr. Biswas, you will have to go to a doctor! (Laughter.)

The motion of Mr. Satyapriya Banerjee that in clause 47 (*1*), line 3, the word "prior" be omitted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 47 (*1*), line 8, for the word "owing" the word "due" be substituted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick as subsequently amended on short notice that in paragraphs (*a*), (*aa*), (*b*), (*c*) and (*d*) of clause 47 (*1*) for the words "the demand" wherever they occur in line 1, the words "such debt or demand" be substituted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 47 (*2*), line 7, after the word "articles" the words "houses, buildings" be inserted, was then put and agreed to.

The short-notice amendment of the Hon'ble Mr. Mukunda Behary Mullick that in sub-clause (*d*) of clause 47 (*1*), line 4, the words "in whole or in part" be omitted, was then put and agreed to.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in paragraph (*d*) of clause 47 (*1*), line 4, for the words "in whole" the word "wholly" be substituted, was then by leave of the House withdrawn.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that for clause 47 (*1*) (*e*), the following be substituted, namely:—

> "(*e*) if such debt or demand is due in respect of any loan for the purchase or construction of any house or building or any portion thereof or in respect of the supply of materials for such construction,—upon the house or building so purchased or constructed by such member, past member or deceased member from any such loan or material",

was then put and agreed to.

The motion of Dr Nalinaksha Sanyal that in clause 47 (*1*), in line 7, after the words "as rent" the words "or any secured debt" be inserted, was then put and lost.

Mr. SURENDRA NATH BISWAS: What about the suggestion about giving retrospective effect, Sir?

Mr. SPEAKER: Government will examine that question later on. For the time being, that question does not arise.

The motions of Mr. Surendra Nath Biswas—

that in clause 47 (*1*), line 2, the word and figure "60 and" be omitted;

that in clause 47 (*1*), line 9, after the word "member" the following words be inserted, namely, "and registered in the books of such society in the prescribed manner";

that in clause 47 (*1*), line 9, the word "first" be omitted;

that the following explanation be added to clause 47 (*2*), namely,

"*Explanation.*—The word 'transferee' in this sub-section shall include the holder of a security under a deed of mortgage or hypothecation"; and

that in clause 47, sub-clause (*2*), the following new sub-clause be added, namely, "(*3*) Nothing in this section shall apply to any debt or demand due to co-operative society in respect of a loan advanced by the society before the date of commencement of this Act",

were then put and lost.

The question that clause 47, as amended, stand part of the Bill was then put and agreed to.

Clause 105.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I may intimate to the House that I am prepared to accept amendment No. 237 of Mr. Dhirendra Nath Datta.

The motion of Mr. Dhirendra Nath Datta that in clause 105, line 4, after the word "Court" the words "by the mortgagor or his successor in interest" be inserted, was then put and agreed to.

The question that clause 105, as amended, stand part of the Bill, was then put and agreed to.

Clause 113.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the question was raised that there was no provision for Land Mortgage Banks to give any notice to the landlord or tenure-holder of the mortgages that they will take with respect to any such tenure or holding. That is the point which my friend Rai Harendra Nath Chaudhuri

raised yesterday who said that there would not be any duty cast on the landlord to give a notice to the Land Mortgage Banks of the sale of such tenancies.

Now, Sir, I may draw the attention of the House to the specific provision that has been made for this in clause 113. I hope my friend will agree that a mortgage is an encumbrance, and if I may place it before the House, the position will be made clear by clause 113 where we seek to deal with tenures or holdings under the Bengal Tenancy Act. Clause 113 runs thus: "Notwithstanding anything contained in Chapter XIV of the Bengal Tenancy Act, 1885, relating to the sale of tenures and holdings in execution of decrees for arrears of rent, no such sale held under the provisions of that chapter shall affect the title or interest of any co-operative land mortgage bank which has"—I draw attention to this, Sir—"in respect of such tenure or holding a registered and notified encumbrance within the meaning of clause (*b*) of section 161 of the said Act." The "said Act", I submit, Sir, refers to the Bengal Tenancy Act. Sub-section (*b*) of section 161 of the Bengal Tenancy Act reads thus: "The term 'registered and notified encumbrance', used with reference to a tenure or holding sold or liable to sale in execution of a decree for an arrear of rent due in respect thereof, means an encumbrance created by a registered instrument, of which a copy has, not less than three months before the accrual of the arrear, been served on the landlord in manner hereinafter provided."

Therefore, Sir, there is that provision whereby the encumbrance will have to give notice and the corresponding liability will be cast on the decree-holder.

Mr. SPEAKER: That makes it clear.

Rai HARENDRA NATH CHAUDHURI: Yes, Sir.

The question that clause 113 stand part of the Bill was then put and agreed to.

Clause 121.

Mr. SATYAPRIYA BANERJEE: Mr. Speaker, Sir, I beg to move that paragraph (*b*) of clause 121 (*1*), be omitted;

that after clause 121 (*2*) the following new sub-clause be inserted, namely:—

"(*2A*) Where loss or damage is caused to a society through the negligence, wilful default or breach of trust of any person including the Registrar or anybody subordinate to him or acting on his authority shall be liable to make good the loss or damages suffered by the Society."

Sir, this is a very important clause, and, as such, deserves the serious and patient consideration by this House. The whole Bill has been conceived, if I may say so, in a spirit of mistrust and distrust of the non-official co-operators.

Sir, the whole Bill has been framed on false assumptions. It is assumed that non-official co-operators, are devils, a set of dishonest and incompetent people, whereas the officers of the department are angels and are the picture of honesty and efficiency. Let us look to the facts. If we take a bird's eye-view of the movement up to date, I am sure, you will agree with me if I say that the inefficiency of the department presided over by the inefficient and dishonest Registrar coupled with causes, which are not peculiar to this province alone but common to all the provinces, have been responsible for this present deplorable state of things. This clause aims at punishing and penalising those non-officials without the active co-operation of whom, the co-operative movement would not have risen to the stature it has done. The official point of view has been expressed by the Registrar in the following words. I read it from the yellow book we received as members of the Select Committee: "The movement has now worked in this province for over 30 years and it has passed through many prosperous and lean years, which enables us to say, with some degree of accuracy, what steps can be devised to remedy the most important of the defects and abuses. The main defects among others are defective organisation in so far as the selection of members signing the application for registration as well as subsequent enlistment of members are concerned, and so on; defective audit due to neglect of indifference of the members '—mark these words —' defective audit, not due to the carelessness of the auditor but due to the neglect or indifference of the members— and general indifference of the Committee of Management to follow departmental instructions" So far, Sir, as defective organisation is concerned, let me remind the House of what the MacLegan Committee in their classic report on co-operation in India said in this regard. They said: "a society has very little prospect of success unless it is started on sound lines and the Registrar is primarily responsible for seeing to this." Mark the words, Sir, "The Registrar is primarily responsible for seeing to this", and that is why I am fastening liability by my amendment on the Registrar.

The Registrar has very carefully and conveniently omitted to mention the general indifference of the departmental officers to follow departmental instructions and circulars. If I may be permitted to say, most of the defalcations that have blackened the history of the movement in this province have been more due to careless audit and to the want of observance of the very healthy circulars issued by the department, by the Divisional Auditors, Inspectors and Auditors themselves than to any other cause. Sir, there are abundant and overwhelming proofs to show that the defalcations would not have taken place at all

or would have come to light long ago if the various officers of the Co-operative Department had discharged their respective functions properly and with reasonable care—let me be more specific—if the instruction regarding verification slips had been faithfully followed and facsimile signatures had not been resorted to, the Hooghly Central Co-operative Bank Defalcation Case would have been detected long ago. I know of at least an instance in which the Secretary of a Baraset Co-operative Bank issued verification slips over his own signature and the auditor either slept over or connived at it. I do not think the Hon'ble Minister in charge will be able to contradict me when I say this. That is the position of the movement now. The whole state of affairs has been brought about by an inefficient set of people who are managing the department and they have all been allowed to go scot-free, while the non-official workers, whose sincere efforts and whose indomitable energy have brought the movement to its present stature, are going to be punished and that in the face of universal opposition to it. The late Registrar, Rai Bahadur S. K. Ganguly, in his very valuable opinion, has said like this: "It is further suggested, that with a view to preventing the likely non-official co-operative workers being scared away—a contingency which will be most unfortunate and should be guarded against at all costs—sub-clause (*b*) had better be omitted." I find myself here also in company with Mr. Wordsworth and I am also supported in this view of mine by the opinion of the Bengal Co-operative Organisation Society, now christened, Bengal Co-operative Alliance. They say: "this should be re-drafted and modified in such a way that it may not in the long run scare away willing and influential non-official workers."

Sir, I have, I think, put my point of view as clearly as I could before the House. I am sure, many of my fellow members are connected—intimately connected—with many of the important co-operative societies studded throughout the province, and I am sure they will see the injustice—the gross injustice, the outrageous injustice, if I may say so—of this clause as it now stands. If you want to protect the non-official workers, if you want to see that they take as active and as enthusiastic a part as they have been doing so long you should not scare them away; on the contrary, you should make possible for them to come in the movement so that the movement may reach its desired goal.

With these few words, Sir, I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: Sir, I beg to move—

that in clause 121(*1*), line 5, after the word "Registrar" the words "or the Provincial Government" be inserted;

that in clause 121(*1*), line 6, after the word "management" the words "or supervision" be inserted;

that in paragraph (*a*) of clause 121(*1*), in line 1, after the word "made" the words "or knowingly sanctioned" be inserted;

that in clause 121(*1*), in line 19, after the word "Registrar" the words "or the Provincial Government" be inserted; and

that in clause 121(*2*), after the word "Registrar", wherever it occurs, the words "or the Provincail Government" be inserted.

Sir, it will be noticed that in these series of amendments which I nave moved, my sole objective has been practically similar to what has been explained by my esteemed friend Mr. Satyapriya Banerji just now. He and I both agreed on one amendment which he has just now moved, namely amendment No. 135 about the deletion paragraph (*b*) of clause 121(*1*). I should not labour that point any further. It has been my impression that throughout this Bill an attempt has been made to paint non-official workers black and to take the credit for whatever good is still left in the co-operative movement for the officers of the Co-operative Department and particularly for the Registrar. Mr. Banerji has already explained to the House with examples and forceful arguments that it is far from facts—facts that have been revealed to the House also on many occasions—that the non-official gentlemen are the guilty parties and official supervisors and official managers also are all doing their duties innocently and faithfully. (Maulvi ABU HOSSAIN SARKER: What is the meaning of "innocently"?) You know it very well. I had joined issue with the Hon'ble Minister in this connection on many occasions. I will not use those arguments just now to-day—I am not in a mood to—nor shall I give a catalogue of the abuses to which the attention of the House has been drawn from time to time—the abuses which could have been avoided if the officers of the department were, if not actively involved in these abuses, sufficiently careful to check the tendencies in right time.

I have suggested in my amendments that wherever the word "Registrar" occurs there should also be another power to the Provincial Government given so that in case the Provincial Government, as a result of certain audit report, find that the Registrar himself has been at fault the Provincial Government may take action against the Registrar also. The section as it is now drafted keeps the Registrar entirely free from any charge or any liability, although, Sir, we have found that in this Bill proposals have been made to invest the Registrar with dictatorial powers, and it is not improbable that on many occasions he will exercise such powers as might lead to practically a

direct management of societies under his own direction. I therefore suggest that, in case, as a result of an audit under section 72, it is revealed that some loss has been entailed on a society owing to want of supervision or want of proper management on behalf of the Registrar and his department, the Provincial Government should have the power to bring to book the Registrar or his men also. There should be no objection to giving the Provincial Government this power. I am not suggesting anything which might be derogatory to the prestige of the Registrar either, because it is only on rare occasions that such an authority given to the Government may be exercised. Surely, there can be no harm in arming the Government with the power to intervene on such occasions where Government will notice that some corruption has been negligently allowed to remain or has been directly encouraged by the action of the Registrar or his men. I have suggested that when in the winding up of a society or as a result of an audit under section 72 it appears to the Registrar or the Provincial Government that any person who has taken part in the organisation or management or supervision of the society or any past or present officer, has at any time within a period of 4 years prior to the date of such audit, inspection, enquiry or report, as the case may be, had or knowingly sanctioned —that is my suggestion—any payment which is contrary to law or to the rules or by-laws the sanctioning authority should be punished. I find that the Hon'ble Minister himself has suggested an amendment wherein he brings the question of sanction also and I am glad that he has at least realised the necessity of including the sanctioning authorities as well in the matter of charges and surcharges. I submit that having realised that necessity it is only fair that an opportunity should be left to the Provincial Government to take necessary action, where action may be called for, in cases where it may be desirable to call to book the Registrar also. I found also certain amendments—I should not perhaps anticipate at this stage—proposed by the Hon'ble Minister which we shall unfortunately have to oppose. I shall take those up if they are moved. I do not know if they are going to be moved. The Hon'ble Minister proposes to circumscribe still further the network of charges and surcharges contemplated in this section and I will only commend my amendments at this stage and if the Hon'ble Minister moves all his amendments we shall have to oppose some at any rate at a later stage.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move—

that in clause 121 (*1*), in lines 5 and 6, the words "any person who has taken part in the organisation or management of the society or" be omitted;

that in paragraph (*b*) of clause 121 (*1*), in lines 1-2, the word "made" the words "or authorized" be inserted, and for the word "law" the words "the provisions of this Act" be substituted;

that in paragraph (*b*) of clause 121 (*1*), in lines 1-2, for the words "prescribed matters" the words "respect of any prescribed matter" be substituted;

that in clause 121 (*1*), in line 19, the words "person or" be omitted;

that in clause 121 (*2*), in line 1, the words "person or" be omitted;

that in clause 121 (*2*), in line 3, for the words "contrary to law" the words "made contrary to the provisions of this Act" be substituted, and for the words "reasonable time" the words "after affording such officer an opportunity" be substituted;

that in clause 121 (*2*), in line 7, the words "person or" be omitted; and

that in clause 121 (*3*), in line 2, the words "person or" be omitted and in line 3, after the word "this" the word "Act" be inserted.

Dr. SURESH CHANDRA BANERJEE: I stand to support the amendment moved by my esteemed friend Mr. Satyapriya Banerjee. It has often been said from this side that strangulation, suppression and if possible killing the non-official workers and non-official organisations and strengthening in every possible way the official block have been the policy of this Government.

Mr. SPEAKER: I think by amendment No. 156 the Hon'ble Minister deletes the word "non-official."

Dr. SURESH CHANDRA BANERJEE: In this section it is said that——

Mr. SPEAKER: If moved it will mean any person past or present; non-officials have been excluded.

Dr. NALINAKSHA SANYAL: I am afraid you are labouring under one mistake. The officer will be an officer of the society and they will be non-officials all the same. As a matter of fact the Hon'ble Minister scented the danger that the section if it is left like that may include an officer of the department. A person who has taken part in the management might obviously mean one who may be officially appointed by the Registrar for management. Therefore he has tried to delete all these. Officer of the bank is kept all right.

Mr. SPEAKER: You mean an officer of the Government.

Dr. NALINAKSHA SANYAL: No, Sir, an officer as defined in the Act.

Dr. SURESH CHANDRA BANERJEE: I was saying that it has been suggested from this side of the House that strangulation of the non-official group, organisations and workers has been the standing policy of Government.

Mr. SPEAKER: "Officer" includes also other persons empowered under the rules or by-laws to give directions in regard to the business of a co-operative society. That means anybody who gives direction.

Dr. SURESH CHANDRA BANERJEE: Our contention is that anyone found guilty whether he be a man of the co-operative society or a man of the Government should be equally punished.

Mr. SPEAKER: It is so at present.

Dr. SURESH CHANDRA BANERJEE: From the wordings of the clause it is not clear to me.

Mr. SPEAKER: Please read the definition of the word "Officer".

Dr. SURESH CHANDRA BANERJEE: If that be the interpretation of the Hon'ble Minister and the Hon'ble Minister says so in so many words, then there is no objection.

Mr. SPEAKER: The definition runs thus: "any other person empowered under the rules or by-laws to give directions in regard to the business of the co-operative society." It includes any body.

Dr. NALINAKSHA SANYAL: It does not include an officer under the Act. Rules and by-laws are something different.

Dr. SURESH CHANDRA BANERJEE: The wordings of this section should be like this: any one found guilty whether he belongs to the society or to the administrative department should be similarly punished. That should have been definitely mentioned. That has not been distinctly mentioned.

Rai HARENDRA NATH CHAUDHURI: Who are appointed by the rules and who are appointed under bye-laws?

Mr. SPEAKER: I am not aware whether Government intends it or not, but it must be so.

Rai HARENDRA NATH CHAUDHURI: Our amendments aim at including all Government officers, but here the reference is to officers appointed under rules and bye-laws.

Dr. SURESH CHANDRA BANERJEE: Empowered under the rules to give directions.

Mr. SPEAKER: Rules mean the rules then in force made under this Act.

Dr. NALINAKSHA SANYAL: So that it may be by the Act itself. The officers for example under clause 26 are the audit officers. They are not officers under the rules. They will be officers under the Act.

Mr. SPEAKER: Officers who give directions under the rules.

Dr. NALINAKSHA SANYAL: No; those appointed under the rules.

Mr. DHIRENDRA NATH DATTA: The Registrar is not included as an officer under the rules.

Dr. NALINAKSHA SANYAL: Any person empowered under the rules or bye-laws to give directions.

Mr. SPEAKER: That must be the Government.

Dr. NALINAKSHA SANYAL: The rules may not empower.

Mr. SPEAKER: The rules must empower; otherwise he does not come in.

Dr. NALINAKSHA SANYAL: He comes under the Act.

Mr. SPEAKER: After all there must be some point of contact between the society and the Government officers.

Dr. NALINAKSHA SANYAL: That is the Registrar.

Mr. SPEAKER: That contact must be under the rules.

Dr. NALINAKSHA SANYAL: No, Sir.

Mr. SPEAKER: The officer will be appointed by virtue of the Act. I agree that the Registrar does not come in.

Dr. NALINAKSHA SANYAL: What about the Inspectors?

Mr. SPEAKER: Everybody except the Registrar.

Dr. NALINAKSHA SANYAL: I beg to differ.

Dr. SURESH CHANDRA BANERJEE: As there is a difference of opinion as regards the interpretation of this clause and as we are not satisfied, so, until and unless the Hon'ble Minister makes a clear statement and accordingly changes the wordings of the clause in that way, we are bound to stick to our own interpretation.

Sir, I was speaking of how the non-official block is being strangulated by the Government every day. You have all noticed that in all departments of life—in the Education Department, in the Municipal Department——

Mr. SPEAKER: I am sorry, Dr. Banerjee, these things do not come in under this amendment.

Dr. SURESH CHANDRA BANERJEE: All right, Sir, We know that the previous Imperialist and Bureaucratic Government was accustomed to work in this way. We also know that the Fascist Governments in Europe are also following the same way. But we never thought that a so-called popular Government would be also following the same old track. Sir, the other day when I referred to the Bhogpur Samabaya Bank I menat this, but unfortunately the Hon'ble Minister could not follow exactly what I said. In that case I said that from the case it appears that both the auditor as well as the Secretary were involved and when the Secretary was made an accused on his behalf it was repeatedly suggested, appealed to, that the auditor also should be brought either as a witness or as an accused but the auditor was not produced either as a witness or as an accused. Had the auditor been produced along with the Secretary, we are sure the auditor also would have been punished. That is a clear example of discrimination and that spirit of discrimination dominates this clause. It was owing to this spirit of discrimination that in that particular case only the Secretary who organised and managed the village society was punished but the auditor, who audited the bank for three consecutive years namely, 1934, 1935, 1936 and certified the records, papers and accounts to be correct, was not punished. Nothing was done to

him. That is our main charge. We apprehend that if this clause is retained in its present form then similar things will continue to happen and we fear that that is the intention of the Hon'ble Minister too. We strongly object to this system of discrimination because then no democracy or self-government will grow in the country. No self-government will develop and only a Fascist Government will be possible. Hence is our strong objection to this clause and as you, Mr. Speaker, have remarked, if the Hon'ble Minister means as we have meant it, then of course we have no objection. If the Hon'ble Minister does not mean like that, of course our objection stands and our objection is very serious and emphatic.

Mr. NISHITHA NATH KUNDU: Sir, I rise to support the amendment moved by my esteemed friend, Mr. Satya Priya Banerjee, Sir, I am definitely of opinion that clause 121 has excluded the departmental officers. There has been some discussion in this House already that the definition of "officer" is sufficient to include the Registrar, Assistant Registrar, and Auditor.

Rai HARENDRA NATH CHAUDHURI: No, No.

Mr. NISHITHA NATH KUNDU: I submit, Sir, it cannot include the Registrar, Assistant Registrar or Auditor. In spite of the bye-laws and rules the Registrar has power to supervise the societies' actions. If there were no bye-laws and rules, the Registrar would have done his functions and duties—I mean to say that "Registrar" has been defined separately in the definition clause. There will certainly be some provision in the bye-laws and rules to appoint some of the non-official members, I mean co-operators to give directions in regard to the business of co-operative societies. This sentence in the definition of "officer" is meant for other persons—persons other than the Registrar, Assistant Registrar, and others. Then again, Sir, the word audit officer is also defined in the definition clause. Nobody will deny that for the acts and omissions of these departmental officers there may be loss or damage caused to the department. If this principle is admitted that any non-official causing any such loss or damage to the society in addition to being criminally liable should also make good the loss I do not see any reason to exempt the departmental officers from this civil liability which has been contemplated in clause 121. Of course, every one of us is aware that some unjust discrimination has been made between the actions and omissions of the non-official co-operators and the departmental officers. Sir, I take a different view. Even if it is true that without the help of non-official co-operators the societies cannot go on, still, if by their acts and omissions they cause loss or damage to the society certainly they should make good the loss. So if they will have to make good the loss, then why should not the officers, the Regisrtar

or the Auditor also do so, by whose acts and omissions in supervision loss or damage may be caused to the society? So this amendment is a very important one and to make the clause complete, to prove the *bona fides* of the Minister, that the Minister in charge does not propose to exempt the Registrar or Auditor if they by their acts and omissions cause loss or damage to the soicety, he should accept this amendment. With these few words, Sir, I support the amendment and ask the members to very seriously consider this fact and by accepting the amendment really complete the intention of the Government in bringing to book those offenders without making any discrimination whatsoever between official offenders and non-official offenders.

Mr. SIBNATH BANERJEE: Sir, I rise to support the motion of my friend Mr. Satyapriya Banerjee and what is more important to oppose the principle underlying this clause of the Hon'ble Minister. There was a time when "spare the rod and spoil the child" was a very good principle followed by teachers, but those are days gone by. In Russia if a teacher or parent is found to use the rod, he has to go to prison He is prosecuted. But here, it seems, the exploded theory of "spare the rod and spoil the child" is being applied by the Minister. (A VOICE: "Hon'ble Minister".) Yes, by the Hon'ble Minister, though this is not an honourable Act, and he wants to empower the Registrar with all these powers and by means of the rod to teach co-operation to the non-officials in this province. The most un-coopertive principle that can ever be thought of is being enunciated here, and advocated here. They will not do what is expected of them, because they have no faith in the movement. If they had faith in the movement, they would have gone about teaching co-operation and making the applicants or the members of the co-operative societies really understand the movement, so that the need for the rod or the need for the punishment will not be there. But the whole approach is wrong. From the wrong angle they are approaching and therefore any amount of amendments cannot improve the thing, because it is conceived in a very wrong way; and therefore any amount of amendments cannot make it presentable before this House. This is what I feel about this portion of the Bill.

Then about the clauses. If there was only the clause (*d*) "misappropriated or fraudulently retained any property of the society" we could understand that. But when you say "failed to bring into account any sum which ought to have been brought into account" that is too vague. For instance, there may be a creditor and the Registrar might say "he has some assets somewhere and the members and directors must have got anyhow, they should have got that amount anyhow to account". Well, it is capable of various interpretations, and to give any individual so much power is neither good for the movement nor good for the individual to whom such power is given.

Mr. SPEAKER: If there is a member who has got an overdue amount, the overdue amount must be brought into account.

Mr. SIBNATH BANERJEE: For every overdue amount a man may be punished by the Registrar, and the Minister brings a Bill before us to say "ditto" to it. Naturally, we cannot say "ditto" to it. Clause (*b*) is of a similar nature "by reason of culpable negligence".

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir. It refers only to failure to collect the amount.

Mr. SPEAKER: Suppose I am the Secretary of a society. I cannot collect the money unless the man pays. If the man does not pay will I be penalised?

Mr. SIBNATH BANERJEE: He must be made to pay, and if you do not collect, you are punished for it or you have to pay it from your pocket.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir, I am sorry. It means failure to make a note of the money paid, i.e., the money realised.

Mr. SPEAKER: That is to say, failure to enter into account the amount realised. Then that is all right. But it might mean something else.

Mr. SIBNATH BANERJEE: The meaning of the words is quite different. If that is what the Hon'ble Minister wants to convey, it is redundant. There is no need to have two clauses having the same meaning. The clear meaning is if there is anything overdue——

Mr. SPEAKER: That is what I thought also. They say, suppose the man collects the amount and does not enter into the account then and then only he will be penalised. His responsibility is immediately to enter into the accounts.

Mr. SIBNATH BANERJEE: If there is a *bonâ fide* mistake, why should the man be punished?

Mr. SPEAKER: No, but it will be his responsibility as soon as he collects the money to enter it into the accounts.

Dr. NALINAKSHA SANYAL: (*c*) is a civil liability and (*d*) is a criminal liability.

Mr. SPEAKER: Yes, if a man collects the amount he should at once enter it in the accounts.

Mr. SIBNATH BANERJEE: If instead of entering an amount against A it is entered against B, it is simply a mistake in accounting. Why should he be penalised for that?

Rai HARENDRA NATH CHAUDHURI: It may not amount to misappropriation or fraud, yet it is very wrong.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I think that it would meet the wishes of my friends opposite if the clause were to read "failed to enter into account any sum that ought to have been entered into account".

Mr. SIBNATH BANERJEE: Thanks for the small mercy!

Then, as regards the sub-clause where it is said "by reason of his culpable negligence in prescribed matters involved the society in any loss or deficiency", it is very vague. Now, the Bill itself is long enough and the rules I do not know how long they are going to be because on every occasion when my friends Mr. Satyapriya Banerjee and Dr. Nalinaksha Sanyal moved their amendments, assurances were given that provisions would be made under the rules. I think that the rules will be at least three times the volume of this Bill. Therefore for a member of any village society to read the Act when it is enacted and the rules and to understand the sequence and properly follow them up is beyond his capacity. In such circumstances to say "in prescribed matters" is very vague and I am very apprehensive——

Mr. SPEAKER: Better get the prescription.

Mr. SIBNATH BANERJEE: Yes, a very strong prescription. So, I think that the Hon'ble Minister may be induced to change the wording of this sub-clause. Instead of culpable, it may be palpable; that also is very vague, but it can be swallowed. So far as the expression "in prescribed matters" is concerned, if prescriptions come every six months from the Registrar and the Hon'ble Minister one does not know where they will end and how many prescriptions have come and will be coming. Therefore, to say "in prescribed matters" is very dangerous. I need not dilate on this point because my friends have already done so.

As regards the amendment moved by my friend, Mr. Satyapriya Banerjee regarding liability, what is sought is "let us meet at par". If the non-official co-operators make a mistake, they will be punished,

but if the inspectors, auditors, and the Registrar mal_ ___ _nistake they also ought to be penalized and punished and I think more so because they are likely to know what the clauses of the Act are and what the prescriptions are. Therefore, if there is any mistake on their part, the punishment for them should be more stringent or at least they should be on a par with non-officials. Here what is sought is that the Registrar and other officials are absolutely exempted not only under this section, but also under other sections by which most of the sections of the Penal Code are made null and void as far as they are concerned. Ordinarily it is very difficult to bring any Government servant before a court of law and get justice. But that also is being taken away by other sections, and this is also an attempt to take away the ordinary right that one has before a law court. We know that when the opposite side is poor and illiterate, he has very little chance of getting justice and especially when it is against a Government servant there is practically no chance. Still whatever little consolation a peasant has, that is also being taken away by the Hon'ble Minister. I hope the Hon'ble Minister will not press it too much; otherwise the whole matter might burst.

Mr. ATUL CHANDRA SEN: Sir, may I speak a few words in support of the amendment of my honourable friend Mr. Banerjee?

Mr. SPEAKER: I hope you will be very brief.

Mr. ATUL CHANDRA SEN: Yes, Sir.

The Hon'ble Minister seems to think that like the king the department can do no wrong. Indeed this habit of thinking characterises the Bill through and through, and this habit of thinking permeates the different clauses of the Bill under consideration in a very marked degree. We wonder if the Hon'ble Minister really thinks that departmental officers, auditors, etc., can play no part in bringing co-operative societies to grief. I must say that this assumption fits in ill with the Hon'ble Minister's endeavour to invest the Registrar with extraordinary powers including the power to change auditors' reports. If there is any idea underlying that extraordinary proposition it is that auditors can bring societies to grief by submitting deliberately false and misleading reports. People connected with joint stock business and co-operative business know that it so happens at times. Now, Sir, if it be found that any auditor by submitting a wrong report has been instrumental in bringing a society to grief why should he be excluded from the operation of these penal clauses? No sensible man can support that position.

With these few words, Sir, I accord my wholehearted support to the amendment placed before the House by my honourable friend Mr. Satyapriya Banerjee.

Dr. NALINAKSHA SANYAL: Sir, I rise to oppose the amendments of the Hon'ble Minister, namely, amendments Nos. 156, 160, 161, 166 and 167. But before I do so, I would also draw your attention, Sir, to the proposed alteration in sub-clause (*c*) which has just been informally talked about substituting "enter into account" in place of "bring into account". I do not really find much improvement from the point of view of Mr. Sibnath Banerjee in the substitution of the word "enter" for "bring", because with regard to the use of the word "enter" it is suggested that there is a book of account and in the process of entry into that an offence is committed which may be brought to book. But, Sir, Mr. Banerjee argued that mere lapses of a *bonâ fide* character should not be penalised but where there is an intention of some kind of fraud, that alone should be brought to book under this clause. The words "enter into account" and "bring into account" have two different implications. When one fails to bring into account something, he fails to account for the thing, and when one fails to account for, the intention is there. But failure to enter into a particular book may be a mere technical omission due to a simple oversight. I therefore submit, Sir, that probably it will be much better to leave the clause as it is rather than make any change. "Bring into account" is a more comprehensive phrase, and it is also specific with regard to the intention of a character which alone should be punishable. Anyway, that is for you, Sir, to find out as you have been pleased to suggest the alteration with the words "enter into account". I will not press if you think still that it would be an improvement.

Now, Sir, I oppose the amendments moved by the Hon'ble Minister——

Mr. SPEAKER: Where there is not only the intention of wrongly entering but some intention to defraud, then that may be taken as culpable negligence.

Dr. NALINAKSHA SANYAL: In any case, Sir, there is no improvement.

Mr. SPEAKER: After all English is not our own language, and the words "bring into account" may be interpreted in different ways. At least Mr. Banerjee who has travelled all over Europe told me that if the words did not convey that meaning, he should have realised it.

Dr. NALINAKSHA SANYAL: As I was saying, Sir, I oppose the amendments sought to be moved by the Hon'ble Minister on very simple grounds. I have already stated that it should not be possible for any person to be left free to interfere with the management and give directions and to get certain action done through supervision or other powers

that such a person may possess and yet to remain scot-free when there is a consequential loss. I would like the Hon'ble Minister in his reply to explain properly why it is that he sought to delete the words "any person" wherever these have been mentioned and why he wants to get this penalty confined only to the officers of the societies. My fear is that through these deletions the Hon'ble Minister proposes to keep out of account the officers of the department who may neither be appointed by the rules nor empowered by the rules or by-laws to take certain action as also such other officers who are empowered by virtue of the Act itself. There are three specific officers mentioned in the Act or rather four. The Registrar is one such officer; the Audit officer is another; the others are the officers under sections 23A and 26 and also the trustees. These officers, I submit, Sir, would remain free to interfere with the working and even the management of the societies concerned, as under sections 23A and 26 the officers are to manage the affairs of the society. Such officers would not even be chargeable for any negligent act and for any wilful mistake relating to loss to the society. If it is the intention of the Hon'ble Minister to indemnify the whole set of people from the Registrar down to the Inspector or, as my friend prompts, down to the *chaprasi* of the Co-operative Department, that is entirely a different matter. Let him then openly and straightforwardly state that he does not want any of his men to be touched even for the worst of crimes.

Sir, this section relates to charges and surcharges only on some specific occasions, namely, when as a result of audit or as a result of inspection certain things are revealed; and I cannot understand why, if as a result of audit, if as a result of inspection it is found that certain officers of the department are guilty, they should be left free from the liabilities provided for in the section. I, therefore, humbly submit that the Hon'ble Minister would be well advised not to press these amendments because these amendments would leave free a very large circle of people, who at the present moment have been known to be interfering with the administration and management of the societies, to such an extent as might lead to unfortunate results. I submit that the Hon'ble Minister would be well advised to withdraw his amendments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am extremely sorry that there has been considerable misapprehension in appreciating the underlying principle of this particular clause. My honourable friend Dr. Sanyal, before he sat down, certainly gave a hint that this related to charging and surcharging of those people connected with the administration of a society, as a result of whose activities the society has suffered some financial loss. Now, while my friends talked of the non-officials as distinct from officers they were labouring under this misapprehension that both these classes of people were called

upon to discharge the same sort of responsibilities. That is not the position. For, while those who are in active charge of the management of the society will be called upon to deal with its affairs including its financial position as also the handling of the accounts, etc., the officers of the department will have nothing to do with them. The duties of the officers of the department are mainly supervision, inspection, audit and taking action when a society goes into liquidation. If for the matter of that——

Rai HARENDRA NATH CHAUDHURI: And management in some cases.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, that is so. As has been pointed out by Dr. Sanyal, when the services of a servant of the Crown are requisitioned under clause 23A or when the Registrar appoints somebody under clause 26, if any such officer is found guilty he has got to say good-bye to his office. (Dr. NALINAKSHA SANYAL: How?) And the department has in the past taken action in many such cases. Therefore, I submit, Sir, that when my honourable friends said that these two classes of people would be called upon to render the same kind of services, they were labouring under some misapprehension.

Sir, as regards the bringing in of the Provincial Government, as has been suggested by my friend, Dr. Sanyal, within the purview of this clause, I submit that he is absolutely wrong. For, when action has to be taken under this clause 121, it has to be done as a result of audit or inspection under section 72, 77, 78 or 79; and these are the sections which authorise the Registrar to look into the audit and take action thereupon. The Provincial Government have got nothing to do with it. Therefore, I submit that when it is said that the Provincial Government should have the same say in the matter, it is absolutely besides the point. Sir, I respectfully submit that to give guarantee to the House, clause 129 is there which says that if the Registrar does anything wrong, the Provincial Government has the power of reviewing his activities or revising anything that the Registrar may have done. Therefore, there is not the least chance of misapplication of the powers that the Registrar may have under clause 121.

With regard to Mr. Satyapriya Banerjee's amendment No. 139, I have indicated just a moment ago that it is not the business of the departmental officers to handle the finances or to write out the accounts or to keep the account of any money that has been realised. Therefore, it is clear that he is labouring under a misapprehension when he suggests that a provision of that nature should be inserted—perhaps it is due to that nervousness or suspicion which has moved him practically throughout the whole discussion of this Bill.

Now, Sir, so far as my own amendments are concerned, before I take them up, I might also indicate that any action taken, any penalty imposed under this clause, is liable to be challenged in appeal, not before Government, but before the Disrtict Judge under clause 128 read with the Fourth Schedule, item No. 7. If there is any question of penalty imposed by the Registrar under this clause, there is the right of appeal to the District Judge. Therefore, there is not the least apprehension or the slightest chance of these powers being abused.

As regards my own amendments, I am extremely sorry to find Dr. Sanyal labouring under a misapprehension. My amendment No. 156 seeks to delete the words "any person who has taken part in the organization or management of the society". The meaning is perfectly clear, namely, that it is mainly the business of non-official gentlemen to take part in the organization or management and if they are to be penalized, the result will be that we will be frightening away a large number of people who will think that if they commit any mistake, they will be subjected to penalty. Now, if I may disclose it to the House, I may point out that it is as a result of the suggestion made by several Central Banks and the Provincial Bank that we have decided to delete this expression from this clause.

Rai HARENDRA NATH CHAUDHURI: This is a mere eyewash!

Dr. NALINAKSHA SANYAL: Are you accepting deletion of paragraph (*b*)?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

With regard to my amendment No. 157, I may say that so far as payment is concerned, as my friend Dr. Sanyal has also indicated, it is the making of payments or the authorization of payments which ought to be made penal. That is why I have moved this amendment.

Dr. NALINAKSHA SANYAL: Sir, I am still expecting a reply from the Hon'ble Minister regarding the point raised by you, namely, the punishment that is proposed to be made if the Registrar goes wrong.

Mr. SPEAKER: He has already met your point by making authorization of payment also penal.

Dr. NALINAKSHA SANYAL: Sir, section 129, to which attention has been drawn, does not provide for any punishment whatsoever for the Registrar under any circumstances.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so fa as clause 121 is concerned, it is the action which is sought to be take on the happening of certain things made mention of in sub-clause (*a*), (*b*), (*c*), (*d*) and (*e*). Therefore, the question of the Registra taking any part is absolutely misconceived. I submit there is n substance in the amendments moved and I oppose all of them. I com mend my amendments to the acceptance of the House.

Mr. SPEAKER: I think amendments (Nos. 132-139) are all of, a identical nature and I can put them together.

Dr. NALINAKSHA SANYAL: Amendments Nos. 135 and 13 relate to separate things.

Mr. SPEAKER: No, same thing.

Dr. NALINAKSHA SANYAL: Nos. 135 and 136 relate to omissio of sub-clause (*b*) specifically.

Mr. SPEAKER: Is it your intention to call one division or tw divisions?

Dr. NALINAKSHA SANYAL: At least there will be one o Nos. 135 and 136.

Mr. SPEAKER: As I read them amendments Nos. 132 to 139 deal with almost the same thing and it is on that basis that the amendments have been moved also.

Dr. NALINAKSHA SANYAL: May I submit that of the amendments Nos. 132 to 139 I have moved Nos. 132, 133, 134, 137 and 138. These relate to similar things whereas amendment Nos. 135 and 13 relate to entirely different items. In the case of 132 and 133 you will be pleased to note that my intention there is to include the Provincial Government thereby empowering them to take action against the Registrar. On the contrary 135 and 136 propose to delete (*b*) so that under certain circumstances non-officials may not be penalised and may not be frightened away.

Mr. SPEAKER: I just wanted to avoid two divisions.

The motions of Dr. Nalinaksha Sanyal—

that in clause 121(*1*), line 5, after the word "Registrar" the words "or the Provincial Government" be inserted;

that in clause 121(*1*), line 6, after the word "management" the words "or supervision" be inserted;

that in paragraph (*a*) of clause 121(*1*), in line 1, after the word "made" the words "or knowingly sanctioned" be inserted;

that in clause 121(*1*), in line 19, after the word "Registrar" the words "or the Provincial Government" be inserted;

that in clause 121(*2*), after the word "Registrar" wherever it occurs, the words "or the Provincial Government" be inserted;

were then put and lost.

Mr. SPEAKER: Why not have one division on amendments Nos. 135, 136 and 139.

Dr. NALINAKSHA SANYAL: No, Sir, we want two divisions.

The motion of Mr. Satyapriya Banerjee that after clause 121(*2*) the following new sub-clause be inserted, namely:—

"(*2A*) Where loss or damage is caused to a society through the negligence, wilful default or breach of trust of any person including the Registrar or anybody subordinate to him or acting on his authority shall be liable to make good the loss or damages suffered by the society."

was then put and a division taken.

Mr. SPEAKER: I might say that immediately after the division is closed I will adjourn the House for 15 minutes for prayer so that I shall announce the result of the division after the members have come back after adjournment.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

AYES—58.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Siboath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Barman, Babu Jogendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Dutta, Mr. Dhirendra Nath.
Dutta, Mr. Harendra Nath.
Dutta, Mr. Sukumar.

Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen, Babu Nagendra Nath.
Sen Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—90.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Sahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrefull, Mr. M.
Aulad Hossain Khan, Maulvi.
Badrudduja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farshad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. C.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Haslana Murshed, Mrs. M.B.E.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Ma
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mahatabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagt Chandra.
Maniruddin Akhand, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah Nawabzada K.
Nazimuddin, the Hon'le Khwaja Sir, K. C. I. E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi
Roy, Mr. Dhananjoy.
Sahabe Alum, Mr. Syed.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yousuf Mirza.
Zaher Ahmed Choudhury, Maulvi.

The Ayes being 56 and the Noes 90, the motion was lost.

The motion of Mr. Satyapriya Banerjee that paragraph (*b*) of clause 121(*1*) be omitted, was then put and a division taken with the following result:—

AYES—47.

Abdul Wahed, Maulvi.
Abul Kazi, Mr. Md.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—67.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Virkrampuri, Maulvi Md.
Abdul Hamid, Mr. A.M.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafuddin, Mr. M.
Asiad Hossain Khan, Maulvi.
Badruddoja, Mr. Syed.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Das, Mr. Anukul Chandra.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gurung, Mr. Dember Singh.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hasina Morshed, Mrs. M.B.E.
Hawkings, Mr. H. J.
Haywood, Mr. Rogers.
Idris Ahmed, Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Sahabe Alum, Mr. Syed.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 47 and the Noes 67, the motion was lost.

The following motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in clause 121(*1*), in lines 5 and 6, the words "any person who has taken part in the organization or management of the society or" be omitted;

that in paragraph (*a*) of clause 121(*1*), in line 1, after the word "made" the words "or authorized" be inserted, and for the word "law" the words "the provisions of this Act" be substituted;

that in paragraph (*b*) of clause 121(*1*), in lines 1-2, for the words "prescribed matters" the words "respect of any prescribed matter" be substituted;

that in clause 121(*1*), in line 19, the words "person or" be omitted;

that in clause 121(*2*), in line 1, the words "person or" be omitted;

that in clause 121(*1*), in line 3, for the words "contrary to law" the words "made contrary to the provisions of this Act" be substituted, and for the words "reasonable time" the words "after affording such officer an opportunity" be substituted;

that in clause 121(*2*), in line 7, the words "person or" be omitted; and

that in clause 121(*3*), in line 2, the words "person or" be omitted and in line 3, after the word "this" the word "Act" be inserted;

were then put and agreed to.

Mr. SPEAKER: There is also the short-notice amendment of the Hon'ble Mr. Mullick that in clause 121(*1*)(*c*) for the words "to bring"——

Dr. NALINAKSHA SANYAL : Does the Hon'ble Minister insist on it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : Sir, I do not insist on that.

The question that clause 121, as amended, stand part of the Bill was put and agreed to.

Clause 122.

Mr. SPEAKER : Dr. Sanyal, do you insist on your amendment No. 140?

Dr. NALINAKSHA SANYAL : No, Sir, I do not move it because already the Provincial Government business is finished.

Mr. SPEAKER : Dr. Sanyal, as regards your amendment No. 141 it is not necessary. It is already provided for in the section itself, for instance, in clause 122 where penalty is provided for in case of a co-operative society not taking such action as it is required to take under that clause. Not taking action might consist in neglecting to take action or by acting contrary to the rules.

Dr. NALINAKSHA SANYAL : But, Sir, there is this difference. Neglecting to act is a crime so far as omission is concerned but acting contrary is an act of commission.

Mr. SPEAKER : Where they have not acted according to the rules means they have neglected to take action.

Dr. NALINAKSHA SANYAL : No, Sir, I have included cases where they have acted beyond the rules.

Mr. SPEAKER: Well, action not taken according to the rules—is it not the same thing as neglecting to act according to the rules?

Dr. NALINAKSHA SANYAL : Where do you get that, Sir? There is nothing like that stated in the clause.

Mr. SPEAKER : Yes, in clause 123.

Dr. NALINAKSHA SANYAL : But clause 123, Sir, is for enforcement.

Mr. SPEAKER : But where do you get the penalty for misdemeanour provided?

Dr. NALINAKSHA SANYAL : Sir, I am speaking of my amendment No. 141, relating to clause 122(*b*).

Mr. SPEAKER : Oh, I am sorry. I was thinking of another clause.

Dr. NALINAKSHA SANYAL : Sir, I beg to move that after clause 122(*b*) the following new sub-clause be inserted, namely:—

"(*c*) by neglecting to act in accordance with the provisions of this Act or the rules prescribed."

Sir, this clause relates to penalties for certain misdemeanours. It gives a catalogue of offences for which penalties are provided. I want to add one more item to this catalogue because just in line with our previous suggestions we feel that negligence on the part of such officers or persons of the department on whom there are specific duties imposed under the Act or in accordance with the rules made thereunder should also be punished. I do not want to speak at any great length because we have already dealt with these points to quote the Hon'ble Minister *ad nauseam*. I do not want to create further nausea.

Mr. SIBNATH BANERJEE : Sir, I would like to say a few words, though there is no amendment in my name. I think that there should be some limit to the punishment which the Registrar can inflict. Under the rules there should be some limit fixed, say, Rs. 1,000 and if it is beyond that, it should go to a court of law or some other procedure should be adopted.

Mr. SPEAKER : That must be in the rules.

Mr. SATYAPRIYA BANERJEE : But there is no indication that there is any limit.

Mr. DHIRENDRA NATH DATTA : I would suggest the words "not exceeding Rs. 1,000" after the words such sum.

Rai HARENDRA NATH CHAUDHURI : You will note, Sir, that the words "prescribed under the rules" are omitted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK : Sir, as you have been good enough to point out to my honourable friend, there will be certain rules. It is said in the clause "The Registrar may subject to rules and after affording such person an opportunity to be heard by an order in writing direct him to pay to the assets of the society by way of penalty such sum as he may think fit". Sir, so far as the main amendment is concerned, I can only point out to my honourable friend that if he desires to rope in the officers of the department, there is hardly any justification for it. For, whatever you may say as regards making any mistake in doing a thing may be of one kind while omitting to do a certain thing will be absolutely of a different kind. While we seek to penalise persons for making intentional mistakes we cannot from that point of view penalise a person who might have omitted to do something. Therefore, I submit there is hardly any justification for an amendment of this kind.

The motion of Dr. Nalinaksha Sanyal that after clause 122(*b*) the following new sub-clause be inserted, namely:—

"(*c*) by neglecting to act in accordance with the provisions of this Act or the rules prescribed.",

was then put and lost.

The question that clause 122 stand part of the Bill was then put and agreed to.

Clause 125

Mr. SATYAPRIYA BANERJEE : Sir, I beg to move that clause 125(3) be omitted. The sub-clause reads thus: "The Registrar shall decide whether any act was done in good faith in pursuance of the business of a society".

We have always been taught that the devil knows not even the thoughts of man, but here we have raised the Registrar to the position of a super-devil, if I may coin that word.

Mr. SPEAKER : Still the Court has to decide, somebody has to do it.

Mr. SATYAPRIYA BANERJEE : Sir, the Court is one thing and the Registrar is another.

Mr. DHIRENDRA NATH DATTA: He is the prosecutor, judge and what not?

Mr. SATYAPRIYA BANERJEE: Sub-clause (*1*) says "no act of a co-operative society or managing committee or of any officer or liquidator done in good faith.....shall be deemed to be invalid by reason only of some defect subsequently discovered". And this defect may be the creation of the Registrar himself. I may point out to you, Sir, that a committee of management of a certain society consisting of members on it for more than 3 consecutive years in contravention of rules or of persons who are not even members of the society have been allowed to function although the Registrar had been apprised of it long ago and his opinion sought thereon.

Mr. SPEAKER: Even if it is so, it will be only on the ground of defect in organization or constitution.

Mr. SATYAPRIYA BANERJEE: But that has been the result of the act of the Registrar, and he will decide whether that is done in good faith or not.

Mr. SPEAKER: So far as this is concerned, it is a protection in favour of the society.

Mr. SATYAPRIYA BANERJEE: It all depends on the Registrar.

Mr. SPEAKER: Dr. Sanyal, are you moving your amendment No. 143?

Dr. NALINAKSHA SANYAL: Sir, I was inclined not to press this amendment. Since you have explained this difficulty, the Registrar in ordinary cases should come in the usual course, but as my friend Mr. Banerjee had pointed out in case the Registrar himself is a delinquent party, then if the Provincial Government is not made to interpret the question whether an act was done in good faith, the whole section 125 may be inoperative so far as the Registrar is concerned. After the defeat of my amendment to clause 121 regarding charge and surcharge to insert the words "or the Provincial Government" after the word "Registrar", I find still in view of this difficulty

the necessity of pressing my amendment No. 143 and therefore I beg to move that in clause 125(3), in line 2, after the word "society" at the end the following words be added, namely:—

"and in the case of the Registrar the Provincial Government shall so decide".

I think, Sir, there need not be any confusion about this authority with the authority sought to be given to the Provincial Government under section 121. There, Sir, the question was about the officer or officers including the Registrar and I proposed there something about the realisation of charges and surcharges. Here it is a question of interpreting the validity of certain acts, when such acts have been done in good faith. I suppose the Hon'ble Minister does not conceive of any circumstances in which the Registrar himself might be an offending party. In sub-clause (2) it will be noticed that no act done in good faith by any person appointed under this Act shall be invalid merely by reason of the fact that his appointment has been cancelled and so on. That surely includes the Registrar also. Therefore it is only fair that when sub-clause (2) contemplates Registrar as well, there must be something to complete the picture in sub-clause (3) and consequently I press the amendment. I hope the Hon'ble Minister will have no difficulty in accepting it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as Mr. Banerjee's amendment is concerned I am sorry, Sir, that it is rather misconceived, for clause 125 deals with acts of societies. So far as that question is concerned, the Registrar or for the matter of that any officer of the department does not come in at all. Therefore if there is a question raised by any of the members as to whether something was done by an official of the society in good faith or not, somebody has got to decide it and so far as that is concerned, I do not think there can be any better authority than the Registrar to decide it.

As regards the amendment of my friend, Dr. Sanyal, I submit, Sir, that it has also not been properly thought of. My reason is this. Here the Registrar in deciding this question has got to decide the matter that has arisen in the administration of the society, and no direct action is contemplated on the part of the Registrar at all.

It does not contemplate any direct act on the part of the Registrar alone, and if anything of that nature should arise, I submit, Sir, that clause 129 gives Government the power to review or revise the order of the Registrar.

The motion of Mr. Satyapriya Banerjee that clause 125(3) be omitted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 125(*3*), in line 2, after the word "society" at the end the following words be added, namely:—

"and in the case of the Registrar the Provincial Government shall so decide",

was then put and lost.

The question that clause 125 stand part of the Bill was then put and agreed to.

Dr. NALINAKSHA SANYAL: May I now at this stage submit that clause 126 may be held over and that the other clauses dealt with to-day as far as possible?

Mr. SPEAKER: I am quite agreeable to holding over clause 126 to-night, but I am not quite sure about your "as far as possible". (Laughter.)

Dr. NALINAKSHA SANYAL: We have still got some 20 minutes, and I think that if clause 126 is left over we shall be able practically to finish the whole of the Bill to-day.

Mr. SPEAKER: I take it that you will finish the whole Bill by to-morrow?

Dr. NALINAKSHA SANYAL: Yes, Sir, I should think so.

Clause 127.

Mr. SATYAPRIYA BANERJEE: Mr. Speaker, Sir, clause 127 should be omitted.

Sir, on the last occasion the Hon'ble Minister waxed eloquent over what is done in England in regard to arbitration. May I draw his attention to what has been the law and practice in England so far as sub-clause (*a*) is concerned, viz., the registration of a co-operative society or its by-laws or of an amendment of its by-laws. I would

refer in this connexion to section 12 of the Friendly Societies Act and section 7 of the Industrial and Provident Societies Act. There provision has been made for appeal not to the Government but to the High Court. From a refusal to register a society, an appeal lies to (*a*) if the central office refuse, to the High Court; (*b*) if the Assistant Registrar for Scotland refuses, first to the Chief Registrar, and if he refuses, to the Court of Sessions in Scotland.

I hoped, Sir, that when the Hon'ble Minister referred to the practice and laws in England yesterday, he would accept what is done in England so far as (*a*) is concerned. (Dr. NALINAKSHA SANYAL: Where it suits him he quotes the Scriptures!) Yes, that is unfortunately too true.

As regards the other clauses, Sir, they are self-evident. I leave it to the good sense of the Hon'ble Minister in which, I hope, he is certainly not lacking, and I trust he will kindly see his way to accept the amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I would first of all move amendments Nos. 177 and 178 which stand in my name.

I beg to move that in sub-clause (*1*) of clause 127, in line 1, the words "is expressly" be omitted.

I also beg to move that in sub-clause (*3*) of clause 127, line 3, for the word "for" the word "on" be substituted.

Sir, so far as my friend's amendments are concerned my objection to them is that in such matters it will be impossible to allow civil courts to intervene.

Sir, I have known of cases where in regard to the administration of a High English School there was no provision made for excluding the civil court and matters had to be brought before the civil court where the Calcutta University was mentioned and the University had to depute an advocate to defend the suit in which it had no interest at all. It was in regard to the constitution of the Managing Committee. I have known of another instance where a society was constituted under the Charitable Societies Act of 1860 and where its finances came from monthly subscriptions ranging from 4 annas to 8 annas. In this case the matter in dispute is now pending before a civil court. These examples only indicate that before you can function at all the civil court has to adjudicate on matters for months and months before it is able to pronounce its judgment.

Sir, I oppose both the amendments.

Mr. SPEAKER: There is really no amendment. Amendment No. 146 of Mr. Banerjee is a negative amendment.

The motions of the Hon'ble Mr. Mukunda Behary Mullick—

that in sub-clause (*1*) of clause 127, in line 1, the words "is expressly" be omitted and

that in sub-clause (*3*) of clause 127, line 3, for the word "for" the word "on" be substituted,

were then put and agreed to.

The question that clause 127, as amended, stand part of the Bill, was then put and agreed to.

Clause 128.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in sub-clause (*2*) of clause 128, in line 1, for the words "in so far as is expressly" the word "as" be substituted.

The motion was then put and agreed to

The question that clause 128, as amended, stand part of the Bill was then put and agreed to.

Clause 129.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in paragrph (*b*) of sub-clause (*2*) of clause 129, line 2, after the word "inspection" the words "held or made under this Act" be inserted.

I also beg to move that in sub-clause (*1*) of clause 129, in line 2, after the word "inspection" the words "held or made under this Act" be inserted.

The motions were then put and agreed to.

The question that clause 129, as amended, stand part of the Bill was then put and agreed to.

Clause 130.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 130, line 4, for the words "or any other enactment" the words "Act or any other law for the time being in force" be substituted.

The motion was then put and agreed to.

The question that clause 130, as amended, stand part of the Bill was then put and agreed to.

Clause 131.

Dr. NALINAKSHA SANYAL: Sir, I formally move my amendment, namely, that in clause 131(*3*), in line 2, after the word "Registrar" at the end the words "or of the Provincial Government" be added.

Sir, this amendment is just in the same strain as my previous amendment. I want to add "Provincial Government" in addition to "Registrar", so that in the event of the Registrar going wrong the Provincial Government might take suitable steps.

The motion of Dr. Nalinaksha Sanyal that in clause 131(*3*), in line 2, after the word "Registrar" at the end the words "or of the Provincial Government" be added, was then put and lost.

The question that clause 131 stand part of the Bill was then put and agreed to.

Clauses 132 and 133.

The question that clauses 132 and 133 stand part of the Bill was then put and agreed to.

New clause 133A.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that after clause 133 the following be inserted, namely:—

"133A. Where under the provisions of this Act notice is required to be given to any person in writing, it shall be sufficient to send such notice by registered post."

Sir, this is simply a matter of procedure, and I think the Act will not be complete if this provision is not incorporated into it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I think my honourable friend is labouring under some misapprehension for the methods of service are to be prescribed under the rules. Whether it will be by registered post or otherwise will be settled later on under the rules.

The motion of Mr. Satyapriya Banerjee that after clause 133 the following be inserted, namely:—

"133A. Where under the provisions of this Act notice is required to be given to any person in writing, it shall be sufficient to send such notice by registered post",

was then put and lost.

Clause 134.

Mr. SPEAKER: Mr. Banerjee, I think you need not press your amendment No. 149.

Dr. NALINAKSHA SANYAL: Sir, let us do one thing. (Laughter.) I am prepared to help in the quick disposal of business if that is generally desired. The Hon'ble Minister has proposed a number of amendments to the various sub-clauses of clause 134 and some of them are more or less of a formal character. I would request the Hon'ble Minister kindly to explain which of them are vital, so that we may know what important changes are going to be effected.

Mr. SPEAKER: Every amendment in the rules must be consequential to the Act.

Dr. NALINAKSHA SANYAL: Quite so. That is what we want to know. We have already waited too long. If the Hon'ble Minister gives us an idea of those amendments now, probably that will relieve us to some extent so far as to-morrow's discussions are concerned.

Mr. SPEAKER: I am quite certain that the Hon'ble Minister will not be able to do so to-day. (Laughter.)

Dr. NALINAKSHA SANYAL: In that case let us adjourn till to-morrow.

There are two alternative provisions which have been put forward by us, namely, that the rules may be approved by the House as it is or by a Committee of both the Houses of Legislature. This is a matter——

Mr. SPEAKER: In any case, I take it that we will be able to finish to-morrow.

Adjournment.

It being 7-52 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 1st August, 1940, at the Assembly House, Calcutta.

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Index to the
Bengal Legislative Assembly Proceedings.

(Official Report.)

Vol. LVII—No. 2—Eighth Session, 1940.

22nd, 23rd, 24th, 25th, 26th, 29th, 30th and 31st July, 1940.

[(Q.) Stands for question.]

Abdul Hafiz, Mr. Mirza

Communal ratio in the Forest Department (Q.) p. 141.

Extension of Bengal (Rural) Free Primary Act, 1930, to municipal areas (Q.) p. 384.

Abdul Hakeem, Mr.

Introduction of compulsory free primary education in the district of Khulna (Q.) p. 72.

Abdul Hakim, Maulvi

Bengal Tenancy (Amendment) Bill, 1937: pp. 284-288.

Abdul Latif Biswas, Maulvi

Accommodation in the Manikganj Sub-Jail, Dacca. (Q.) p. 141

Abdulla-al Mahmood, Mr.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940. p. 223.

Abdur Rahman, Khan Bahadur A. F. M.

Bengal Co-operative Societies Bill, 1939: pp. 363-364.

Abdur Rahman Siddiqi, Mr.

Adjournment Motion: p. 124.

Abolition

Of local boards in Jessore district. (Q.) p. 187.

Accommodation

In the Manikganj Sub-Jail, Dacca. (Q.) p. 141

Acute distress in Satkhira subdivision:

(Q.) p. 264

Adjournment Motion: pp. 88, 105.

Admission

Of students into Government Veterinary College, Calcutta (Q.) p. 269.

Aftab Hosain Joardar, Maulvi

Bengal Marriage Dowry Prevention Bill, 1939 p. 294

Agitation

By Maghadia Krishak Samiti for reduction of rents: (Q.) p. 445.

Agricultural loan

Advanced and realised in Jessore: (Q.) p. 259

To cultivators of Satkhira subdivision (Q.) p. 327.

Ahmed Ali Enayetpuri, Khan Bahadur Maulana

Arrangement for prayers for Muslim prisoners and undertrial prisoners in jails: (Q.) p. 316.

Agricultural loan advanced and realised in Jessore: (Q.) p. 259.

Gratis

Ahsanullah School of Engineering

Appointment of more scheduled caste candidates in the—at Dacca: (Q.) p. 443.

Allegations

Against Debt Settlement Board, Narail police-station: (Q.) p. 277.

Anwarul Azim, Khan Bahadur Md.

Agitation by Maghadia Krishak Samiti for reduction of rents: p. 445.

Reduction of rent to tenants of Jyoty Bhusan Banerjee's estate in Chittagong: (Q.) p. 373.

Appointment

Of an Assistant Engineer: (Q.) p. 85.

Of more scheduled caste candidates in the Ahsanullah School of Engineering at Dacca. (Q.) p. 443.

Arrangement for prayers

For Muslim prisoners and under-trial prisoners in jails. (Q.) p. 316.

Arson cases

In Fatikchari police-station, Chittagong: (Q.) p. 442.

Atharabanka river in Khulna: (Q.) p 20.

Attempt to rouse discontent

Among employees of the Oriental Gas Works: (Q.) p. 13.

Aulad Hossain Khan, Khan Bahadur Maulvi

Free quarters for the Subdivisional Medical Officers. (Q.) p. 83.

Azhar Ali, Maulvi

Publication of remarks passed by the Text-Book Committee: (Q.) p. 372.

Badruddoja, Mr. Syed

Adjournment Motion: p. 135.

Banerjee, Dr. Suresh Chandra

Attempt to rouse discontent among employees of the Oriental Gas Works: (Q.) p. 13.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 214.

Bengal Co-operative Societies Bill, 1938: pp. 66, 359-60, 467, 470.

Interview with prisoners in Alipore Central Jail convicted under the Defence of India Act: (Q.) p. 26.

Khaksar movement in and around Calcutta: (Q.) p. 195.

Method of applying Defence of India Rules: (Q.) p. 207.

Women workers in factories in Bengal: (Q.) p. 208

Banerjee, Mr. Pramatha Nath

Adjournment Motion. p. 114.

Banerjee, Mr. Sibnath

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 224.

Bengal Co-operative Societies Bill, 1938: pp. 41, 65, 234, 238, 349-50, 472-74.

Changes for currency notes: (Q.) p. 29.

Banerji, Mr. P.

Hardship caused by the imposition of the education cess on landlords and tenants: (Q.) p. 28.

Banerji, Mr. Satya Priya

Bengal Co-operative Societies Bill, 1938: pp. 39, 50, 55, 58, 60, 90, 145, 156, 157, 159, 180, 234, 338-44, 402, 405, 406, 408, 414, 415, 462-64, 487, 488, 490, 493.

Basu, Mr. Santosh Kumar

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 219.

Bhawmik, Dr. Gobinda Chandra

Election of Jhargram Local Board: (Q.) p. 76.

Bills, Government

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 212.

Bengal Co-operative Societies Bill, 1938: pp. 34, 90, 145, 180, 227, 363-71, 387-436, 447-94.

Bills, Non-official

Bengal Court of Wards (Amendment) Bill, 1937: p. 304.

Bengal Marriage Dowry Prevention Bill, 1939: pp. 291, 295

Bengal Medical (Amendment) Bill, 1937: p. 302.

Bengal Patni Taluks Regulation (Amendment) Bill, 1939. pp 280-283.

Bengal Tenancy (Amendment) Bill, 1937: p. 284.

Bengal Village Self-Government (Amendment) Bill, 1939: p. 297.

Bengal Patni Taluks Regulation (Amendment) Bill, 1939 pp. 280-283.

Biswas, Mr. Surendra Nath

Bengal Co-operative Societies Bill, 1939: pp. 448, 455, 460.

Bose, Mr. Sarat Chandra

Adjournment Motion p. 129.

Statement regarding suspension of Satyagraha movement: p 179.

Cattle mortality in Tangail: (Q.) p. 210.

Chakraborty, Mr. Jatindra Nath

Protection of the tank of river Dharla at Kurigram: (Q.) p. 441.

Changes for currency notes: (Q.) p. 29.

Chars in the river Sangoo and effects thereof: (Q.) p. 144.

Chaudhuri, Rai Harendra Nath

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 215.

Bengal Co-operative Societies Bill, 1939: pp. 393, 433, 459.

Bengal Village Self-Government (Amendment) Bill, 1939: p. 301.

Civil Court in Calcutta

Establishment of a City—: (Q.) p. 332.

Committee of Petitions

Composition of the—: p. 276.

Communal ratio

In the clerical establishment of Bakarganj Civil Courts (Q.) p. 80.

In the Forest Department: (Q.) p. 141.

Of clerks in certain Government offices under Communications and Works Department: (Q.) p. 384.

Conduct

Of Police Superintendent of Bakarganj. (Q.) p. 378.

Construction of water-works in Jhalakati Municipality: (Q.) p. 85.

Criminal Courts

Process-servers of —: (Q.) p 383.

Cultivation of betel in Bengal: (Q.) p. 14

Cultivators of Satkhira subdivision

Agricultural loan to—: (Q.) p. 327.

Das Gupta, Babu Khagendra Nath

Prafulla Kumar Tripathi, a detenu under the Defence of India Act: (Q.) p. 137.

Das Gupta, Srijut Narendra Nath

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 222.

Conduct of Police Superintendent of Bakarganj: (Q.) p. 378.

Das, Mr. Anukul Chandra

Bengal Medical (Amendment) Bill, 1937: pp. 302-304.

Das, Mr. Monmohan

Grievances of the area copyists employed in the Jute Registration Department: (Q.) p. 73.

Datta, Mr. Dhirendra Nath

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 220.

Bengal Co-operative Societies Bill, 1938: pp. 63, 170, 426, 429, 432, 433, 455.

Measures against annual breaches in Gumti embankment in Tippera district: (Q.) p. 8.

Use of the Gumti embankment as a public thoroughfare: (Q.) p. 9.

Delay in payment

Of grant-in-aid to educational institutions: (Q.) p. 318.

Debt Settlement Board, Narail police-station

Allegations against the—. (Q.) p. 277.

Deputy Jailors

Recruitment of—: (Q.) p. 438.

Dinajpur District Magistrate's orders

Regarding grant of bail to persons arrested under the Defence of India Rules: (Q.) p. 24.

Disafforestation

Of certain areas in Sundarbans and Chittagong: (Q.) p. 197.

Election of Jhargram Local Board: (Q.) p. 76.

Employment Adviser

To the Government of Bengal: (Q.) p. 257.

Entry into the Assembly Building: p. 386.

Establishment

Of a City Civil Court in Calcutta: (Q.) p. 332.

Of a University of Islamic Learning: (Q.) p. 81.

Extension

Of Bengal (Rural) Free Primary Act, 1930, to municipal areas: (Q.) p. 384.

Expenditure for the Revenue Commission: (Q.) p. 274.

Externment order

On Srijut Satyendra Nath Roy of Thakurgaon: (Q.) p. 25.

False representation

Of members of non-scheduled castes to secure Government service. (Q.) p. 26.

Fatikchari police-station

Arson cases in—, Chittagong. (Q.) p. 442.

Fazlul Huq, the Hon'ble Mr. A. K.

Appointment of more scheduled caste candidates in the Ahsanullah School of Engineering at Dacca: p. 444.

Delay in payment of grant-in-aid to educational institutions: (Q.) pp. 318-319.

Establishment of a University of Islamic Learning (Q.) p. 82.

Extension of Bengal (Rural) Free Primary Act, 1930, to municipal areas. p. 384.

Filling up of vacancies in Sub-Registry Offices at Dinajpur: (Q.) p. 194.

Government grants to non-Government secondary schools for girls during 1939-40. (Q.) p. 383.

Grants to non-Government girls' schools during 1939-40: (Q.) p. 198.

Hardship caused by the imposition of the education cess on landlords and tenants: (Q.) p. 29.

Introduction of compulsory free primary education in the district of Khulna: (Q.) p. 72.

Inspectress of Schools for Dacca Circle: (Q.) p. 437.

Publication of remarks passed by the Text-Book Committee: (Q.) p. 372.

Rules governing award of grants-in-aid to High English Schools: (Q.) pp. 261-264.

Statement regarding the Holwell Monument: p. 86.

Want of waiting-sheds at Suri Registration Office: (Q.) p. 11.

Fazlul Quadir, Khan Bahadur Maulvi

Inspectress of Schools for Dacca Circle: (Q.) p. 437.

Provision for the teaching of "Diniyat" in secondary schools: (Q.) p. 83.

Fazlur Rahman

Transfer of Mr.—of the Bengal Civil Service from Malda. (Q.) p. 375.

Filling up of vacancies

In Sub-Registry Offices at Dinajpur (Q.) p. 193.

Flood regulator

At Lakra on the Damodar, Burdwan (Q.) p. 7.

Free quarters

For the Subdivisional Medical Officers (Q.) p. 84.

Ganguly, Mr. Pratul Chandra

Construction of water-works in Jhalakati Municipality (Q.) p. 85.

Giasuddin Ahmed, Mr.

Adjournment Motion. p. 112.

Government grants

To non-Government secondary schools for girls during 1939-40. (Q.) p. 382

Gomes, Mr. S. A.

Establishment of a City Civil Court in Calcutta: (Q.) p. 332

Grant-in-aid to educational institutions

Delay in payment of— (Q.) p. 318.

Grants-in-aid to High English Schools

Rules governing award of— (Q.) p. 260.

Grants

To non-Government girls' schools during 1939-40: (Q.) p. 197.

Grievances

Of the area copyists employed in the Jute Registration Department: (Q.) p. 73.

Gumti embankment in Tippera district:

(Q.) p. 7.

Gurung, Mr. Damber Singh

Communal ratio of clerks in certain Government offices under Communications and Works Department: (Q.) p. 384.

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca

Abolition of local boards in Jessore district. (Q.) p. 137

Appointment of an Assistant Engineer: (Q.) p. 85.

Construction of water-works in Jhalakati Municipality (Q.) p. 85.

Election of Jhargram Local Board. (Q.) p. 76.

Free quarters for the Subdivisional Medical Officers (Q.) p. 84.

Malda District Board Election: (Q.) p. 77.

Medical certificate granted by Mahamohopadhyas and Shifa-ul-Mulk: (Q.) p. 320.

Research into the indigenous drugs of India. (Q.) pp. 321-326.

Hardship

Caused by the imposition of the education cess on landlords and tenants: (Q.) p. 28.

Hasanuzzaman, Maulvi Md.

Grants to non-Government girls' schools during 1939-40: (Q.) p. 197.

Hashem Ali Khan, Khan Bahadur Maulvi

Government grants to non-Government secondary schools for girls during 1939-40: (Q.) p. 382.

Holwell Manument

Statement by the Hon'ble the Chief Minister regarding the—: p. 86.

Improvement of Tangail-Karatia Road: (Q.) p. 381.

Increased price of quinine: (Q.) p. 312.

Indigenous drugs of India

Research into the—: (Q.) p. 321.

Inspectress of Schools for Dacca Circle: (Q.) p. 437.

Introduction

Of compulsory free primary education in the district of Khulna: (Q.) p. 72.

Interview

With prisoners in Alipore Central Jail convicted under the Defence of India Act: (Q.) p. 26.

Jails

Arrangement for prayers for Muslim prisoners and under-trial prisoners in—: (Q.) p. 316.

Jalaluddin Ahmad, Khan Bahadur Maulvi

Bengal Co-operative Societies Bill 1939: pp. 357-359.

Jalaluddin Hashemy, Mr. Syed

Acute distress in Satkhira subdivision: (Q.) p. 264.

Adjournment Motion: pp. 59, 88, 105.

Agricultural loan to cultivators of Satkhira subdivision: (Q.) p. 327.

Supply of coins in exchange of ten-rupee and five-rupee notes: (Q.) p. 374.

Jyoty Bhusan Banerjee's estate in Chittagong

Reduction of rent to tenants of—: (Q.) p. 373.

Kennedy, Mr. I. G.

Bengal Co-operative Societies Bill, 1938: p. 56.

Khaksar movement

In and around Calcutta: (Q.) p. 195.

Kishan organisations in Bengal: (Q.) p. 17.

Kumar, Mr. Atul Chandra

Malda District Board Election. (Q.) p. 77.

Transfer of Mr. Fazlur Rahman of the Bengal Civil Service from Malda: (Q.) p. 375.

Kundu, Mr. Nishitha Nath

Appointment of an Assistant Engineer: (Q.) p. 85.

Bengal Co-operative Societies Bill, 1939: p. 471.

Dinajpur District Magistrate's orders regarding grant of bail to persons arrested under Defence of India Rules: (Q.) p. 24

Externment order on Srijut Satyendra Nath Roy of Thakurgaon. (Q.) p. 25.

Filling up of vacancies in Sub-Registry Offices at Dinajpur (Q.) p. 193.

Kishan organisations in Bengal: (Q.) p. 17.

Lease

Of non-arable *char* lands to tenants: (Q.) p. 20.

Lohajang river in Tangail

Silting up of—: (Q.) p. 331.

Maiti, Mr. Nikunja Behari

Staff of the Collectorate of Midnapore district and of its subdivisions: (Q.) p. 1.

Maitra, Mr. Surendra Mohan

Bengal Court of Wards (Amendment) Bill, 1937: pp. 304-306.

Bengal Patni Taluks Regulation (Amendment) Bill, 1939: pp. 280, 281, 282, 283.

Maji, Mr. Adwaita Kumar

Flood regulator at Lakra on the Damodar, Burdwan. (Q.) p. 7.

Malda District Board Election: (Q.) p. 77.

Mandal, Mr. Amrita Lal

Service ratio in Mymensingh Collectorate. (Q.) p. 267.

Silting up of Lohajang river in Tangail: (Q.) p. 23.

Mandal, Mr. Jogendra Nath

Communal ratio in the clerical establishment of Bakarganj Civil Courts. (Q.) p. 80.

Maniruzzaman Islamabadi, Maulana Md.

Chars in the river Sangoo and effects thereof. (Q.) p. 144.

Delay in payment of grant-in-aid to educational institutions (Q.) p. 318.

Establishment of a University of Islamic Learning: (Q.) p. 81.

Lease of non-arable *char* lands to tenants: (Q.) p. 20

Maqbul Hosain, Mr.

Gumti embankment in Tippera district: (Q.) p. 7.

Masud Ali Khan Panni, Al-Hadj Maulvi

Cattle mortality in Tangail (Q.) p. 210.

Improvement of Tangail-Karatia Road: (Q.) p. 381.

Measures

Against annual breaches in Gumti embankment in Tippera district: (Q.) p. 8.

Medical certificate

Granted by Mahamahopadhyas and Shifa-ul-Mulk: (Q.) p. 319.

Method of applying Defence of India Rules: (Q.) p. 207.

Mahammad Israil, Maulvi

Bengal Village Self-Government (Amendment) Bill, 1939: pp. 297, 298-301.

Expenditure for the Revenue Commission: (Q.) p. 274.

Mookerjee, Dr. Syamaprasad

Adjournment Motion: p. 120.

Morgan, Mr. G., C.I.E.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940. p. 218.

Moslem Ali Mollah, Maulvi M.

Admission of students into Government Veterinary College, Calcutta: (Q.) p. 269.

Recruitment of Deputy Jailors: (Q.) p. 438.

Mosquito curtains for prisoners: (Q.) p. 11.

Muhammad Israil, Maulvi

Increased price of quinine: (Q.) p. 312.

Mukherjee, Mr. B.

Adjournment Motion: p. 109.

Mukherji, Dr. Sharat Chandra

Want of waiting-sheds at Suri Registration Office. (Q.) p. 10.

Mullick, the Hon'ble Mr. Mukunda Behary

Allegations against Debt Settlement Board, Narail police-station: (Q.) p. 277.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940: p. 225.

Bengal Co-operative Societies Bill, 1938. pp. 45, 53, 57, 68, 69, 91, 96, 97, 99, 103, 104, 145, 149, 150, 152, 155, 156, 159, 162, 171-72, 182, 212, 227-29, 235, 239, 241, 244-45, 249, 251, 333, 335, 336, 337, 338, 339, 365-368, 389-390, 395, 396, 397, 400, 401, 402, 406, 407, 408, 409, 412, 413, 414, 416, 418, 419, 420, 421, 422, 424, 425, 428, 433, 434, 435, 436, 447, 448, 456-457, 459, 461, 466, 477, 478-479, 480, 487, 489, 491, 492, 493.

Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur

Bengal Marriage Dowry Prevention Bill, 1939. pp. 294-296.

Communal ratio in the clerical establishment of Bakarganj Civil Courts (Q.) p. 81.

Establishment of a City Civil Court in Calcutta: (Q.) p. 332.

Mymensingh Collectorate

Service ratio in—: (Q.) p. 267.

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar

Atharabanka river in Khulna (Q.) p. 21.

Chars in the river Sangoo and effects thereof: (Q.) p. 144.

Communal ratio of clerks in certain Government offices and of Communications and Works Department (Q.) p. 385.

Flood regulator at Lakra on the Damodar, Burdwan: (Q.) p. 7.

Improvement of Tangail-Karatia Road: (Q.) p. 381.

Measures against annual breaches in Gumti embankment in Tippera district: (Q.) p. 8.

Protection of the bank of river Dharla at Kurigram: p. 441.

Silting up of Lohajang river in Tangail: (Q.) pp. 23, 331.

Use of the Gumti embankment as a public thoroughfare: (Q.) p. 10.

Nasarullah, Nawabzada K.

Bengal Medical (Amendment) Bill, 1937: p. 304.

Nausher Ali, Mr. Syed

Adjournment Motion: p. 116.

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.

Accommodation in the Manikganj Sub-Jail, Dacca: (Q.) p. 141.

Adjournment Motion: pp. 88, 133.

Arrangement for prayers for Muslim prisoners and under-trial prisoners in jails: (Q.) p. 317.

Arson cases in Fatikchari police-station, Chittagong: (Q.) p. 442.

Attempt to rouse discontent among employees of the Oriental Gas Works. (Q.) p. 14.

Conduct of Police Superintendent of Bakarganj: p. 378.

Dinajpur District Magistrate's orders regarding grant of bail to persons arrested under the Defence of India Rules: (Q.) p. 24.

Externment order on Srijut Satyendra Nath Roy of Thakurgaon: (Q.) p. 25.

False representation of members of non-scheduled castes to secure Government service. (Q.) p. 26.

Interview with prisoners in Alipore Central Jail convicted under the Defence of India Act. (Q.) p. 27.

Khaksar movement in and around Calcutta. (Q.) p 195.

Kishan organisations in Bengal: (Q.) p. 17.

Method of applying Defence of India Rules: (Q.) p. 208.

Mosquito curtains for prisoners: (Q.) p. 11.

Prafulla Kumar Tripathi, a detenu under the Defence of India Act: (Q.) p. 138.

Promotion of competent graduate clerks to the cadre of Sub-Deputy Collector: (Q.) p. 318.

Recruitment of Deputy Jailors: (Q.) p. 438.

Theft case in the Bag-Sriramipore post office in Narail police-station: (Q.) p. 310.

Transfer of Mr. Fazlur Rahman of the Bengal Civil Service from Malda: p. 375.

Notes

Supply of coins in exchange of ten-rupee and five-rupee—: (Q.) p. 374.

Point of information

Regarding the placing of Questions: p 279.

Point of order

Regarding speaking twice by a member on a motion: p. 93.

Regarding termination of debate on an Adjournment Motion: p. 133.

Point of privilege

Regarding the holding back of questions in the absence of the honourable member, the questioner: p. 280.

Police Superintendent

Conduct of—of Bakarganj: (Q.) p. 378.

Praphulla Kumar Tripathi

A detenu under the Defence of India Act. (Q.) p. 137

Primary education

Extension of Bengal (Rural) Free Primary Act, 1930, to municipal areas: (Q.) p. 384.

Prayers for Muslim prisoners and under-trial prisoners in jails

Arrangement for—. (Q.) p. 316.

Process-servers of Criminal Courts: (Q.) p. 383.

Promotion

Of competent graduate clerks to the cadre of Sub-Deputy Collector: (Q.) p. 318.

Protection

Of the bank of river Dharla at Kurigram: (Q.) p. 441.

Provision for the teaching of "Diniyat" in secondary schools: (Q.) p. 83.

Publication of remarks passed by the Text-Book Committee: (Q.) p. 372.

Quinine

Increased price of—: (Q.) p. 312.

Raikut, the Hon'ble Mr. Prasanna Deb

Communal ratio in the Forest Department: (Q.) p. 142.

Disafforestation of certain areas in Sundarbans and Chittagong: (Q.) p. 197.

Recruitment of Deputy Jailors: (Q.) p. 438.

Reduction of rent

Agitation by Maghadia Krishak Samiti for—: (Q.) p. 445.

To tenants of Jyoty Bhusan Banerjee's estate in Chittagong: (Q.) p. 373.

Research into indigenous drugs of India: (Q.) p 321.

Reservation of particular dates for particular Ministers for answering questions: p. 448.

Revenue Commission

Expenditure for the— (Q.) p. 274.

River

Protection of the bank of—Dharla at Kurigram. (Q.) p. 441.

River Lohajang in Tangail

Silting up of—: (Q.) p. 331.

Road

Improvement of Tangail-Karatia—: (Q.) p. 331.

Roy, Mr. Charu Chandra

Silting up of Lohajang river in Tangail: (Q.) p. 331.

Roy, Mr. Dhananjoy

Appointment of more scheduled caste candidates in the Ahsanullah School of Engineering at Dacca: (Q.) p. 443.

False representation of members of non-scheduled castes to secure Government service: (Q.) p. 26.

Process-servers of Criminal Courts: (Q.) p. 383.

Roy, Mr. Patiram

Cultivation of betel in Bengal: (Q.) p. 14.

Roy, the Hon'ble Sir Bijoy Prasad Singh

Acute distress in Satkhira subdivision: (Q.) p. 264.

Agitation by Maghadia Krishak Samiti for reduction of rents: (Q.) p. 445.

Agricultural loan advanced and realised in Jessore: (Q.) pp. 259-260

Agricutural loan to cultivators of Satkhira subdivision: (Q.) p. 327.

Bengal Court of Wards (Amendment) Bill, 1937: pp. 306-307.

Bengal Patni Taluks Regulation (Amendment) Bill, 1939: pp. 281, 282, 283.

Bengal Tenancy (Amendment) Bill, 1937: pp. 285, 288, 289, 291, 292.

Cattle mortality in Tangail: (Q.) p. 211.

Expenditure for the Revenue Commission: (Q.) p. 274.

Increased price of quinine. (Q.) p. 313.

Lease of non-arable *char* lands to tenants: (Q.) p. 20.

Process-servers of Criminal Courts: (Q.) p. 283.

Reduction of rent to tenants of Jyoty Bhusan Banerjee's estate in Chittagong: p. 373.

Service ratio in Mymensingh Collectorate: p. 267.

Staff of the Collectorate of Midrapore district and of its subdivisions: (Q.) p. 1.

Rules

Governing award of grants-in-aid to High English Schools: (Q.) p. 260.

Sale of jute

At a price lower than that fixed by Jute Ordinance in certain places of Jessore district: (Q.) p. 21.

Sanaullah, Dr.

Arson cases in Fatikchari police-station, Chittagong: (Q.) p. 442.

Disafforestation of certain areas in Sundarbans and Chittagong: (Q.) p. 197.

Promotion of competent graduate clerks to the cadre of Sub-Deputy Collector (Q.) p. 318.

Sanyal, Dr. Nalinaksha

Bengal Co-operative Societies Bill, 1938. pp. 34, 95, 98, 99, 101-2, 149, 150, 151, 154, 161, 167, 174, 190, 228-29, 230-33, 237, 243, 248, 250, 251, 254-55, 334, 336, 337, 344-348, 350-355, 387, 389, 396, 397, 398, 399, 400, 403, 404, 411, 412, 413, 414, 417, 419, 420, 422, 428, 434, 464-466, 467, 476-477, 480, 485, 486, 494.

Bengal Tenancy (Amendment) Bill, 1937. p. 289.

Employment Adviser to the Government of Bengal: (Q.) p. 257.

Entry into the Assembly Building: p. 386.

Point of Order regarding termination of debate on an Adjournment Motion: p. 133.

Sanyal, Mr. Sasanka Sekhar

Bengal Co-operative Societies Bill, 1938: pp. 360-363.

Satkhira subdivision

Acute distress in—: (Q.) p. 264.

Scheduled caste candidates

Appointment of more—in the Ahsanullah School of Engineering at Dacca: (Q.) p. 443.

Secondary schools for girls

Government grants to non-Government —during 1939-40: (Q.) p. 382.

Sen, Babu Nagendra Nath

Atharabanka river in Khulna: (Q.) p. 20.

Medical certificate granted by Mahamohopadhyas and Shifa-ul-Mulk: (Q.) p. 319

Mosquito curtains for prisoners: (Q.) p. 11.

Research into the indigenous drugs of India: (Q.) p. 321.

Rules governing award of grants-in-aid to High English Schools: (Q.) pp. 260-261.

Sen, Mr. Atul Chandra

Bengal Co-operative Societies Bill, 1939: p. 475.

Serajul Islam, Mr.

Abolition of local boards in Jessore district: (Q.) p. 137.

Process-servers of Criminal Courts: (Q.) p. 383.

Service ratio in Mymensingh Collectorate:

(Q.) p. 267.

Shahabuddin, Mr. Khwaja, C.B.E.

Bengal Village Self-Government (Amendment) Bill, 1939: p. 298.

Shamsuddin Ahmed, Mr. M.

Adjournment Motion: p. 126.

Silting up of Lohajang river in Tangail:

(Q.) pp. 23, 331.

Speaker, Mr. (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.)

Rulings and Observations:

On consent to serve on the Select Committee: pp. 284-285.

On entry into the Assembly Building: pp. 386-387.

On Government short-notice amendments on Non-official Bills: p. 296.

On the language of the amendment of Dr. Nalinaksha Sanyal to clause 87 of the Bengal Co-operative Societies Bill, 1939: p. 418.

On mishearing of the Chair's decision regarding a motion put: p. 394.

On notice of Statement: p. 184.

On reservation of particular dates for particular Ministers for answering questions: p. 448.

Regarding termination of debate on an Adjournment Motion: p. 134.

Regarding the special mention of the name of a Government officer for his conduct: p. 287.

Staff

Of the Collectorate of Midnapore district and of its subdivisions: (Q.) p. 1.

Statement

Regarding suspension of Satyagraha movement by Mr. Sarat Chandra Bose: p. 179.

Sub-Deputy Collector

Promotion of competent graduate clerks to the cadre of—: (Q.) p. 318.

Suhrawardy,

Changes for currency notes: (Q.) p. 29.

Reservation of particular dates for particular Ministers for answering questions: p. 448.

Supply of coins in exchange of ten-rupee and five-rupee notes: (Q.) p. 374.

Voters' list for Labour Constituencies: (Q.) p. 28.

Women workers in factories of Bengal: (Q.) p. 208.

Supply of coins in exchange of ten-rupee and five-rupee notes: (Q.) p. 374.

Tamizuddin Khan, the Hon'ble Mr.

Admission of students into Government Veterinary College, Calcutta: (Q.) p. 270.

Cultivation of betel in Bengal. (Q.) p. 14.

Employment Adviser to the Government of Bengal: (Q.) pp. 257-259.

Grievances of the area copyists employed in the Jute Registration Department. (Q.) p. 74.

Sale of jute at a price lower than that fixed by the Jute Ordinance in certain places of Jessore district: (Q.) p. 22

Ten-rupee and five-rupee notes

Supply of coins in exchange of—: (Q.) p. 374.

Text-Book Committee

Publication of remarks passed by the —: (Q.) p. 372.

Transfer

Of Mr. Faslur Rahman of the Bengal Civil Service from Malda: (Q.) p. 375.

Theft case

In the Bag-Srirampore post office in Narail police-station: (Q.) p. 309.

Use of the Gumti embankment as a public thoroughfare: (Q.) p. 9.

Veterinary College, Calcutta

Admission of students into Government—: (Q.) p. 269.

Voters' list for Labour Constituencies: (Q.) p. 27.

Walker, Mr. W. A. M.

Adjournment Motion p. 119.

Want of waiting-sheds at Suri Registration Office: (Q.) p. 10.

Women workers in factories in Bengal: (Q.) p. 208.

Wordsworth, Mr. W. C.

Bengal Co-operative Societies Bill, 1938. pp. 43, 68, 100-101, 158, 355-56.

Zaman, Mr. A. M. A.

Allegations against Debt Settlement Board, Narail police-station: (Q.) p. 277.

Sale of jute at a price lower than that fixed by the Jute Ordinance in certain places of Jessore district: (Q.) p. 21

Theft case in the Bag-Srirampore post office in Narail police-station: (Q.) p. 309.

Voters' list for Labour Constituencies: (Q.) p. 27.

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